



State of Wisconsin  
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 40**

June 13, 2011 – Offered by Representatives J. FITZGERALD and SUDER.

1           At the locations indicated, amend the substitute amendment as follows:

2           **1.** [Page 5, line 3](#): before that line insert:

3           “**SECTION 5t.** 7.33 (1) (c) of the statutes is amended to read:

4           7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and  
5 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,  
6 or 237.

7           **SECTION 5u.** 7.33 (4) of the statutes is amended to read:

8           7.33 (4) Except as otherwise provided in this subsection, each local  
9 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon  
10 proper application under sub. (3), permit each of its employees to serve as an election  
11 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for  
12 scheduled working hours during the period specified in sub. (3), without loss of pay

1 for scheduled working hours during the period specified in sub. (3) except as provided  
2 in sub. (5), and without any other penalty. For employees who are included in a  
3 collective bargaining unit for which a representative is recognized or certified under  
4 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a  
5 collective bargaining agreement.”.

6 **2. Page 15, line 23:** before that line insert:

7 “**SECTION 31h.** 13.111 (2) of the statutes is amended to read:

8 13.111 (2) DUTIES. The joint committee on employment relations shall perform  
9 the functions assigned to it under subchs. subch. V and VI of ch. 111, subch. II of ch.  
10 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923 ~~and 40.05 (1) (b).~~

11 **SECTION 31k.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 7,  
12 is amended to read:

13 13.172 (1) In this section, “agency” means an office, department, agency,  
14 institution of higher education, association, society, or other body in state  
15 government created or authorized to be created by the constitution or any law, that  
16 is entitled to expend moneys appropriated by law, including the legislature and the  
17 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
18 ch. 52, 231, 233, 234, 238, or 279.”.

19 **3. Page 18, line 16:** after that line insert:

20 “**SECTION 49d.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act  
21 7, is amended to read:

22 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or  
23 facility that is constructed for the benefit of or use of the state, any state agency,  
24 board, commission or department, the University of Wisconsin Hospitals and Clinics

Authority, the Fox River Navigational System Authority, the ~~Wisconsin Quality Home Care Authority~~, the Wisconsin Economic Development Corporation, or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.”.

**4. Page 22, line 21:** after that line insert:

“**SECTION 61m.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.62 (2) “Agency” means any board, commission, department, office, society, institution of higher education, council, or committee in the state government, or any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 237, 238, or 279, except that the term does not include a council or committee of the legislature.”.

**5. Page 24, line 4:** after that line insert:

“**SECTION 68m.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.94 (4) (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the

1 legislative or judicial branch of state government; any public body corporate and  
2 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~  
3 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River  
4 Remediation Authority, and the Wisconsin Aerospace Authority, the Wisconsin  
5 Economic Development Corporation, a professional baseball park district, a local  
6 professional football stadium district, a local cultural arts district and a long-term  
7 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.  
8 49; every provider of medical assistance under subch. IV of ch. 49; technical college  
9 district boards; every county department under s. 51.42 or 51.437; every nonprofit  
10 corporation or cooperative or unincorporated cooperative association to which  
11 moneys are specifically appropriated by state law; and every corporation, institution,  
12 association or other organization which receives more than 50% of its annual budget  
13 from appropriations made by state law, including subgrantee or subcontractor  
14 recipients of such funds.

15 **SECTION 68r.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act  
16 7, is amended to read:

17 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
18 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau  
19 shall be strictly nonpartisan and shall at all times observe the confidential nature  
20 of the research requests received by it; however, with the prior approval of the  
21 requester in each instance, the bureau may duplicate the results of its research for  
22 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
23 designated employees shall at all times, with or without notice, have access to all  
24 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
25 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,

1 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
2 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River  
3 Navigational System Authority, and to any books, records, or other documents  
4 maintained by such agencies or authorities and relating to their expenditures,  
5 revenues, operations, and structure.”.

6 **6. Page 31, line 18:** after that line insert:

7 “**SECTION 85s.** 15.07 (1) (a) 6. of the statutes is repealed.”.

8 **7. Page 32, line 22:** after that line insert:

9 “**SECTION 89n.** 15.07 (4) of the statutes is amended to read:

10 15.07 (4) **QUORUM.** A majority of the membership of a board constitutes a  
11 quorum to do business and, unless a more restrictive provision is adopted by the  
12 board, a majority of a quorum may act in any matter within the jurisdiction of the  
13 board. This subsection does not apply to actions of the government accountability  
14 board, ~~the University of Wisconsin Hospitals and Clinics Board~~, or the school district  
15 boundary appeal board as provided in ss. 5.05 (1e), ~~15.96 (2)~~, and 117.05 (2) (a).”.

16 **8. Page 51, line 22:** after that line insert:

17 “**SECTION 182p.** 15.96 of the statutes is repealed.

18 **SECTION 183d.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7,  
19 is amended to read:

20 16.002 (2) “Departments” means constitutional offices, departments, and  
21 independent agencies and includes all societies, associations, and other agencies of  
22 state government for which appropriations are made by law, but not including  
23 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
24 233, 234, 235, 237, 238, or 279.

1           **SECTION 183h.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7,  
2 is amended to read:

3           16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
4 department as the secretary designates may enter into the offices of state agencies  
5 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under  
6 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts  
7 and any other matter that in the secretary's judgment should be examined and may  
8 interrogate the agency's employees publicly or privately relative thereto.

9           **SECTION 183p.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7,  
10 is amended to read:

11           16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
12 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.  
13 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate  
14 with the secretary and shall comply with every request of the secretary relating to  
15 his or her functions.

16           **SECTION 183t.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act  
17 7, is amended to read:

18           16.004 (12) (a) In this subsection, "state agency" means an association,  
19 authority, board, department, commission, independent agency, institution, office,  
20 society, or other body in state government created or authorized to be created by the  
21 constitution or any law, including the legislature, the office of the governor, and the  
22 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
23 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
24 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home

1 ~~Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox  
2 River Navigational System Authority.”.

3 **9.** [Page 52, line 8](#): after that line insert:

4 “**SECTION 192m.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin  
5 Act 7, is amended to read:

6 16.045 (1) (a) “Agency” means an office, department, independent agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
11 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

12 **10.** [Page 53, line 22](#): after that line insert:

13 “**SECTION 202t.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act  
14 7, is amended to read:

15 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
16 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
17 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the  
18 Wisconsin Economic Development Corporation, and the Health Insurance  
19 Risk-Sharing Plan Authority.”.

20 **11.** [Page 54, line 12](#): after that line insert:

21 “**SECTION 215g.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 7,  
22 is amended to read:

23 16.41 (4) In this section, “authority” means a body created under subch. II of  
24 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.”.

**12.** Page 56, line 24: after that line insert:

“**SECTION 217d.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

**13.** Page 59, line 11: delete lines 11 to 18 and substitute:

“**SECTION 218gb.** 16.50 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is repealed and recreated to read:

16.50 (3) (b) No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c), (2), or (2j), by the investment board under s. 16.505 (2g), or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p).

**SECTION 218gm.** 16.50 (3) (e) of the statutes is amended to read:

16.50 (3) (e) No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as provided in a collective bargaining agreement under subch. V or VI of ch. 111.”.

**14.** Page 60, line 5: delete lines 5 to 8 and substitute:

“**SECTION 218p.** 16.505 (1) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is repealed and recreated to read:

16.505 (1) (intro.) Except as provided in subs. (2), (2g), (2j), (2m), and (2p), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:”.



1           **15.** Page 61, line 15: after that line insert:

2           “**SECTION 219g.** 16.505 (2n) of the statutes is repealed.”.

3           **16.** Page 63, line 4: after that line insert:

4           “**SECTION 223m.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 7,  
5 is amended to read:

6           16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
7 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
8 petty cash account from its contingent fund. The procedure for operation and  
9 maintenance of petty cash accounts and the character of expenditures therefrom  
10 shall be prescribed by the secretary. In this subsection, “agency” means an office,  
11 department, independent agency, institution of higher education, association,  
12 society, or other body in state government created or authorized to be created by the  
13 constitution or any law, that is entitled to expend moneys appropriated by law,  
14 including the legislature and the courts, but not including an authority created in  
15 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

16           **SECTION 223p.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act  
17 7, is amended to read:

18           16.528 (1) (a) “Agency” means an office, department, independent agency,  
19 institution of higher education, association, society, or other body in state  
20 government created or authorized to be created by the constitution or any law, that  
21 is entitled to expend moneys appropriated by law, including the legislature and the  
22 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
23 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

1           **SECTION 223t.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is  
2 amended to read:

3           **16.53 (2) IMPROPER INVOICES.** If an agency receives an improperly completed  
4 invoice, the agency shall notify the sender of the invoice within 10 working days after  
5 it receives the invoice of the reason it is improperly completed. In this subsection,  
6 “agency” means an office, department, independent agency, institution of higher  
7 education, association, society, or other body in state government created or  
8 authorized to be created by the constitution or any law, that is entitled to expend  
9 moneys appropriated by law, including the legislature and the courts, but not  
10 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
11 ~~52~~, 231, 233, 234, 237, 238, or 279.

12           **SECTION 223w.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin  
13 Act 7, is amended to read:

14           **16.54 (9) (a) 1.** “Agency” means an office, department, independent agency,  
15 institution of higher education, association, society or other body in state  
16 government created or authorized to be created by the constitution or any law, which  
17 is entitled to expend moneys appropriated by law, including the legislature and the  
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
19 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.”.

20           **17.** [Page 63, line 5](#): after that line insert:

21           **“SECTION 232e.** 16.70 (2) of the statutes is amended to read:

22           **16.70 (2)** “Authority” means a body created under subch. II of ch. 114 or subch.  
23 III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.”.

24           **18.** [Page 69, line 8](#): after that line insert:

1           **“SECTION 262h.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act  
2       7, is amended to read:

3           16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
4       Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
5       Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
6       Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the  
7       Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
8       Entertainment Corporation shall include in all contracts executed by them a  
9       provision obligating the contractor not to discriminate against any employee or  
10      applicant for employment because of age, race, religion, color, handicap, sex, physical  
11      condition, developmental disability as defined in s. 51.01 (5), sexual orientation as  
12      defined in s. 111.32 (13m), or national origin and, except with respect to sexual  
13      orientation, obligating the contractor to take affirmative action to ensure equal  
14      employment opportunities.

15          **SECTION 262j.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 7,  
16      is amended to read:

17          16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
18      Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
19      Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
20      Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the  
21      Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
22      Entertainment Corporation shall include the following provision in every contract  
23      executed by them: “In connection with the performance of work under this contract,  
24      the contractor agrees not to discriminate against any employee or applicant for  
25      employment because of age, race, religion, color, handicap, sex, physical condition,

1 developmental disability as defined in s. 51.01 (5), sexual orientation or national  
2 origin. This provision shall include, but not be limited to, the following: employment,  
3 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or  
4 termination; rates of pay or other forms of compensation; and selection for training,  
5 including apprenticeship. Except with respect to sexual orientation, the contractor  
6 further agrees to take affirmative action to ensure equal employment opportunities.  
7 The contractor agrees to post in conspicuous places, available for employees and  
8 applicants for employment, notices to be provided by the contracting officer setting  
9 forth the provisions of the nondiscrimination clause”.

10 **SECTION 262L.** 16.765 (4) of the statutes is amended to read:

11 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
12 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
13 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
14 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
15 the Bradley Center Sports and Entertainment Corporation shall take appropriate  
16 action to revise the standard government contract forms under this section.

17 **SECTION 262n.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 7,  
18 is amended to read:

19 16.765 (5) The head of each contracting agency and the boards of directors of  
20 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
21 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
22 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
23 Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic  
24 Development Corporation, and the Bradley Center Sports and Entertainment  
25 Corporation shall be primarily responsible for obtaining compliance by any

1 contractor with the nondiscrimination and affirmative action provisions prescribed  
2 by this section, according to procedures recommended by the department. The  
3 department shall make recommendations to the contracting agencies and the boards  
4 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox  
5 River Navigational System Authority, the Wisconsin Aerospace Authority, the  
6 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
7 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic  
8 Development Corporation, and the Bradley Center Sports and Entertainment  
9 Corporation for improving and making more effective the nondiscrimination and  
10 affirmative action provisions of contracts. The department shall promulgate such  
11 rules as may be necessary for the performance of its functions under this section.

12 **SECTION 262p.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 7,  
13 is amended to read:

14 16.765 (6) The department may receive complaints of alleged violations of the  
15 nondiscrimination provisions of such contracts. The department shall investigate  
16 and determine whether a violation of this section has occurred. The department may  
17 delegate this authority to the contracting agency, the University of Wisconsin  
18 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
19 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
20 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
21 ~~Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center  
22 Sports and Entertainment Corporation for processing in accordance with the  
23 department's procedures.

24 **SECTION 262r.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin  
25 Act 7, is amended to read:

1           16.765 (7) (intro.) When a violation of this section has been determined by the  
2 department, the contracting agency, the University of Wisconsin Hospitals and  
3 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
4 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
5 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority, the~~  
6 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
7 Entertainment Corporation, the contracting agency, the University of Wisconsin  
8 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
9 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
10 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
11 ~~Authority,~~ the Wisconsin Economic Development Corporation, or the Bradley Center  
12 Sports and Entertainment Corporation shall:

13           **SECTION 262t.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act  
14 7, is amended to read:

15           16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
16 further violations of this section and to report its corrective action to the contracting  
17 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
18 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
19 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
20 Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic  
21 Development Corporation, or the Bradley Center Sports and Entertainment  
22 Corporation.

23           **SECTION 262v.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 7,  
24 is amended to read:

1           16.765 (8) If further violations of this section are committed during the term  
2 of the contract, the contracting agency, the Fox River Navigational System Authority,  
3 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
4 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
5 ~~Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley  
6 Center Sports and Entertainment Corporation may permit the violating party to  
7 complete the contract, after complying with this section, but thereafter the  
8 contracting agency, the Fox River Navigational System Authority, the Wisconsin  
9 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
10 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the  
11 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
12 Entertainment Corporation shall request the department to place the name of the  
13 party on the ineligible list for state contracts, or the contracting agency, the Fox River  
14 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
15 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
16 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic  
17 Development Corporation, or the Bradley Center Sports and Entertainment  
18 Corporation may terminate the contract without liability for the uncompleted  
19 portion or any materials or services purchased or paid for by the contracting party  
20 for use in completing the contract.”.

21           **19. Page 73, line 13:** after that line insert:

22           “**SECTION 267m.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7,  
23 is amended to read:

1           16.85 (2) To furnish engineering, architectural, project management, and other  
2 building construction services whenever requisitions therefor are presented to the  
3 department by any agency. The department may deposit moneys received from the  
4 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
5 fund as general purpose revenue — earned. In this subsection, “agency” means an  
6 office, department, independent agency, institution of higher education, association,  
7 society, or other body in state government created or authorized to be created by the  
8 constitution or any law, which is entitled to expend moneys appropriated by law,  
9 including the legislature and the courts, but not including an authority created in  
10 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.”.

11           **20. Page 75, line 25:** after that line insert:

12           “**SECTION 290m.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act  
13 7, is amended to read:

14           16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
15 proportionate share of the estimated costs attributable to programs administered by  
16 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
17 may charge premiums to agencies to finance costs under this subsection and pay the  
18 costs from the appropriation on an actual basis. The department shall deposit all  
19 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
20 Costs assessed under this subsection may include judgments, investigative and  
21 adjustment fees, data processing and staff support costs, program administration  
22 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
23 subsection, “agency” means an office, department, independent agency, institution  
24 of higher education, association, society, or other body in state government created



1 or authorized to be created by the constitution or any law, that is entitled to expend  
2 moneys appropriated by law, including the legislature and the courts, but not  
3 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
4 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

5 **21. Page 83, line 14:** after that line insert:

6 “SECTION 355ah. 19.42 (10) (s) of the statutes is repealed.”.

7 **22. Page 83, line 25:** after that line insert:

8 “SECTION 356e. 19.42 (13) (o) of the statutes is repealed.”.

9 **23. Page 86, line 6:** after that line insert:

10 “SECTION 362p. 19.82 (1) of the statutes is amended to read:

11 19.82 (1) “Governmental body” means a state or local agency, board,  
12 commission, committee, council, department or public body corporate and politic  
13 created by constitution, statute, ordinance, rule or order; a governmental or  
14 quasi-governmental corporation except for the Bradley center sports and  
15 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
16 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
17 the foregoing, but excludes any such body or committee or subunit of such body which  
18 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
19 or V, or VI of ch. 111.”.

20 **24. Page 86, line 7:** after that line insert:

21 “SECTION 364g. 19.85 (3) of the statutes is amended to read:

22 19.85 (3) Nothing in this subchapter shall be construed to authorize a  
23 governmental body to consider at a meeting in closed session the final ratification or

1 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or~~ VI of ch. 111  
2 which has been negotiated by such body or on its behalf.

3 **SECTION 364j.** 19.86 of the statutes is amended to read:

4 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
5 19.82 (1), where notice has been given by either party to a collective bargaining  
6 agreement under subch. I, IV, or V, ~~or~~ VI of ch. 111 to reopen such agreement at its  
7 expiration date, the employer shall give notice of such contract reopening as provided  
8 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
9 by the employer's chief officer or such person's designee."

10 **25.** Page 339, line 7: after that line insert:

11 "SECTION 634p. 20.425 (1) (a) of the statutes is amended to read:

12 20.425 (1) (a) *General program operations.* The amounts in the schedule for  
13 the purposes provided in subchs. I, IV, and V, ~~and~~ VI of ch. 111 and s. 230.45 (1).

14 **SECTION 634r.** 20.425 (1) (i) of the statutes is amended to read:

15 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*  
16 The amounts in the schedule for the performance of fact-finding, mediation,  
17 certification, and arbitration functions, for the provision of copies of transcripts, for  
18 the cost of operating training programs under ss. 111.09 (3), 111.71 (5) (5m), and  
19 111.94 (3), for the preparation of publications, transcripts, reports, and other copied  
20 material, and for costs related to conducting appeals under s. 230.45. All moneys  
21 received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)  
22 (b), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all moneys received from arbitrators  
23 and arbitration panel members, and individuals who are interested in serving in  
24 such positions, and from individuals and organizations who participate in other

collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.”.

**26.** Page 356, line 25: after that line insert:

“SECTION 716g. 20.495 of the statutes is repealed.”.

**27.** Page 364, line 23: after that line insert:

“SECTION 749L. 20.545 (1) (k) of the statutes is amended to read:

20.545 (1) (k) *General program operations.* The amounts in the schedule to administer state employment relations functions and the civil service system under ~~subchs. subch. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the expenses of the state employees suggestion board. All moneys received from state agencies for materials and services provided by the office of state employment relations shall be credited to this appropriation.

**SECTION 749m.** 20.545 (1) (km) of the statutes is amended to read:

20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in the schedule for the payment of the state’s share of costs related to collective bargaining grievance arbitrations under s. 111.86 ~~and related to collective bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state agencies for the purpose of reimbursing the state’s share of the costs related to grievance arbitrations under s. 111.86 and to reimburse the state’s share of costs for training related to grievance arbitrations, ~~and all moneys received from institutions, as defined in s. 36.05 (9), for the purpose of reimbursing the state’s share of the costs related to grievance arbitrations under s. 111.993 and to reimburse the state’s share~~

1 of costs for training related to grievance arbitrations shall be credited to this  
2 appropriation account.”.

3 **28. Page 371, line 22:** after that line insert:

4 “**SECTION 775k.** 20.865 (1) (ci) of the statutes is amended to read:

5 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*  
6 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related  
7 adjustments approved by the joint committee on employment relations under s.  
8 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)  
9 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit  
10 for which a representative is certified under subch. V or VI of ch. 111, as determined  
11 under s. 20.928, other than adjustments funded under par. (cj).”.

12 **29. Page 371, line 23:** delete lines 23 to 25 and substitute:

13 “**SECTION 775Lm.** 20.865 (1) (ci) of the statutes, as affected by 2011 Wisconsin  
14 Act 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

15 20.865 (1) (ci) *University pay adjustments.* A sum sufficient to pay the cost of  
16 pay and”.

17 **30. Page 372, line 2:** delete lines 2 to 4 and substitute “s. 230.12 (3) (e) for  
University of Wisconsin System employees, as”.

18 **31. Page 372, line 5:** after that line insert:

19 “**SECTION 775f.** 20.865 (1) (cm) of the statutes is repealed.”.

20 **32. Page 372, line 17:** after that line insert:

21 “**SECTION 775p.** 20.865 (1) (ic) of the statutes is amended to read:

22 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*  
23 *academic pay adjustments.* From the appropriate program revenue and program

1 revenue–service accounts, a sum sufficient to supplement the appropriations to the  
2 University of Wisconsin System to pay the cost of pay and related adjustments  
3 approved by the joint committee on employment relations under s. 230.12 (3) (e) for  
4 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and  
5 230.08 (2) (d) who are not included within a collective bargaining unit for which a  
6 representative is certified under subch. V or VI of ch. 111, as determined under s.  
7 20.928, other than adjustments funded under par. (cj).”.

8 **33. Page 372, line 18:** delete lines 18 to 20 and substitute:

9 “**SECTION 775rm.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin  
10 Act 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

11 20.865 (1) (ic) *University pay adjustments.* From the appropriate program  
12 revenue and”.

13 **34. Page 372, line 24:** delete the material beginning with “under” and ending  
with “ch. 111” on page 373, line 1.

14 **35. Page 373, line 2:** after that line insert:

15 “**SECTION 775s.** 20.865 (1) (im) of the statutes is repealed.”.

16 **36. Page 373, line 13:** after that line insert:

17 “**SECTION 775v.** 20.865 (1) (si) of the statutes is amended to read:

18 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*  
19 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient  
20 to supplement the appropriations to the University of Wisconsin System to pay the  
21 cost of pay and related adjustments approved by the joint committee on employment  
22 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under  
23 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a

collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928.”.

**37. Page 373, line 14:** delete lines 14 to 16 and substitute:

“**SECTION 775ym.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

20.865 (1) (si) *University pay adjustments.* From the appropriate segregated funds, a”.

**38. Page 373, line 20:** delete the material beginning with “under” and ending with “ch. 111” on line 22.

**39. Page 373, line 22:** after that line insert:

“**SECTION 775ym.** 20.865 (1) (sm) of the statutes is repealed.”.

**40. Page 390, line 5:** after that line insert:

“**SECTION 804n.** 20.917 (3) (b) of the statutes is amended to read:

20.917 (3) (b) This subsection applies to employees in all positions in the civil service, including those employees in positions included in collective bargaining units under subch. V or VI of ch. 111, whether or not the employees are covered by a collective bargaining agreement.

**SECTION 804p.** 20.921 (1) (a) 2. of the statutes is amended to read:

20.921 (1) (a) 2. ~~Payment~~ If the state employee is a public safety employee under s. 111.81 (15r), payment of dues to employee organizations.

**SECTION 804r.** 20.921 (1) (b) of the statutes is amended to read:

20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (c) and s. 111.84 (1) (f)~~, the request under par. (a) shall be made to the state agency or to the University of Wisconsin Hospitals and Clinics Authority in the form and manner and contain the

1 directions and information prescribed by each state agency or by the authority. The  
2 request may be withdrawn or the amount paid to the payee may be changed by  
3 notifying the state agency or the authority to that effect, but no such withdrawal or  
4 change shall affect a payroll certification already prepared.

5 **SECTION 804t.** 20.921 (2) (c) of the statutes is created to read:

6 20.921 (2) (c) The head of each state agency, as defined in s. 40.02 (54), shall  
7 deduct from the salary of each employee the contributions required by s. 40.05 (1) (a)  
8 as provided in s. 40.05 (1) (b).”.

9 **41.** Page 391, line 17: after that line insert:

10 “**SECTION 811r.** 20.923 (6) (intro.) of the statutes is amended to read:

11 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the  
12 following positions may be set by the appointing authority, subject to restrictions  
13 otherwise set forth in the statutes and the compensation plan under s. 230.12, except  
14 where the salaries are a subject of bargaining with a certified representative of a  
15 collective bargaining unit under s. 111.91 ~~or 111.998~~.”.

16 **42.** Page 392, line 12: delete lines 12 to 21 and substitute:

17 “**SECTION 814m.** 20.923 (8) of the statutes, as affected by 2011 Wisconsin Act  
18 10, is repealed and recreated to read:

19 20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3)  
20 (b), 15.04 (2), 230.04 (16), and 551.601 (1) shall be set by the appointing authority.  
21 The salary shall not exceed the maximum of the salary range one range below the  
22 salary range of the executive salary group to which the department or agency head  
23 is assigned. The positions of assistant secretary of state, assistant state treasurer  
24 and associate director of the historical society shall be treated as unclassified

deputies for pay purposes under this subsection. The salary of the deputy director of the office of business development in the department of administration is assigned to executive salary group 2.”.

**43.** Page 394, line 13: after that line insert:

“**SECTION 817g.** 20.928 (1) of the statutes is amended to read:

20.928 (1) Each state agency head shall certify to the department of administration, at such time and in such manner as the secretary of administration prescribes, the sum of money needed by the state agency from the appropriations under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon receipt of the certifications together with such additional information as the secretary of administration prescribes, the secretary shall determine the amounts required from the respective appropriations to supplement state agency budgets.”.

**44.** Page 443, line 4: delete the material beginning with that line and ending with page 444, line 9, and substitute:

“**SECTION 951g.** 36.09 (1) (j) of the statutes is amended to read:

36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 or ~~111.998~~, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of



1 funds by the legislature and s. 20.928 (3). This paragraph does not limit the  
2 authority of the board to establish salaries for new appointments. The board may  
3 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and  
4 230.08 (2) (d) under this paragraph unless the salary increase conforms to the  
5 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary  
6 increase to correct salary inequities under par. (h), to fund job reclassifications or  
7 promotions, or to recognize competitive factors. The board may not increase the  
8 salary of any position identified in s. 20.923 (4g) under this paragraph unless the  
9 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the  
10 board authorizes the salary increase to correct a salary inequity or to recognize  
11 competitive factors. The board may not increase the salary of any position identified  
12 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the  
13 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless  
14 the increase is approved by the office of state employment relations. The granting  
15 of salary increases to recognize competitive factors does not obligate inclusion of the  
16 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
17 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
18 report to the joint committee on finance and the secretary of administration and  
19 director of the office of state employment relations concerning the amounts of any  
20 salary increases granted to recognize competitive factors, and the institutions at  
21 which they are granted, for the 12-month period ending on the preceding June 30.

22 **SECTION 951km.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin act  
23 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

24 36.09 (1) (j) Except where such matters are a subject of bargaining with a  
25 certified representative of a collective bargaining unit under s. 111.91, the board

1 shall establish salaries for persons prior to July 1 of each year for the next fiscal year,  
2 and shall designate the effective dates for payment of the new salaries. In the first  
3 year of the biennium, payments of the salaries established for the preceding year  
4 shall be continued until the biennial budget bill is enacted. If the budget is enacted  
5 after July 1, payments shall be made following enactment of the budget to satisfy the  
6 obligations incurred on the effective dates, as designated by the board, for the new  
7 salaries, subject only to the appropriation of funds by the legislature and s. 20.928  
8 (3). This paragraph does not limit the authority of the board to establish salaries for  
9 new appointments. The board may not increase the salaries of employees under this  
10 paragraph unless the salary increase conforms to the proposal as approved under s.  
11 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities  
12 under par. (h), to fund job reclassifications or promotions, or to recognize competitive  
13 factors. The granting of salary increases to recognize competitive factors does not  
14 obligate inclusion of the annualized amount of the increases in the appropriations  
15 under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each  
16 year, the board shall report to the joint committee on finance and the secretary of  
17 administration and director of the office of state employment relations concerning  
18 the amounts of any salary increases granted to recognize competitive factors, and the  
19 institutions at which they are granted, for the 12-month period ending on the  
20 preceding June 30.”.

21 **45. Page 450, line 16:** after that line insert:

22 “**SECTION 970s.** 36.25 (13g) (c) of the statutes is repealed.”.

23 **46. Page 480, line 4:** after that line insert:

24 “**SECTION 1136m.** 40.02 (22) (ec) of the statutes is created to read:

1           40.02 (22) (ec) Includes contributions made by a reduction in salary as provided  
2   in s. 40.05 (1) (b).”.

3           **47. Page 480, line 4:** after that line insert:

4           “**SECTION 1138m.** 40.02 (25) (b) 2. of the statutes is amended to read:

5           40.02 (25) (b) 2. Any person employed as a teaching assistant or graduate  
6   assistant and other employees-in-training as are designated by the board of regents  
7   of the university, who are employed on at least a one-third full-time basis.”.

8           **48. Page 480, line 6:** after that line insert:

9           “**SECTION 1139g.** 40.02 (25) (b) 8. of the statutes is amended to read:

10          40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
11   under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or  
12   under s. 230.12 or 233.10.

13          **SECTION 1139p.** 40.02 (27) of the statutes is amended to read:

14          40.02 (27) “Employee required contribution” means the contribution made by  
15   an employee under s. 40.05 (1) (a) 1. to 4. ~~or for an employee under s. 40.05 (1) (b).~~”.

16          **49. Page 481, line 22:** after that line insert:

17          “**SECTION 1143p.** 40.03 (6) (c) of the statutes is amended to read:

18          40.03 (6) (c) Shall not enter into any agreements to modify or expand group  
19   insurance coverage in a manner which conflicts with this chapter or rules of the  
20   department or materially affects the level of premiums required to be paid by the  
21   state or its employees, or the level of benefits to be provided, under any group  
22   insurance coverage. This restriction shall not be construed to prevent modifications  
23   required by law, prohibit the group insurance board from modifying the standard  
24   plan to establish a more cost effective benefit plan design or providing optional

1 insurance coverages as alternatives to the standard insurance coverage when any  
2 excess of required premium over the premium for the standard coverage is paid by  
3 the employee, prohibit the group insurance board from encouraging participation in  
4 wellness or disease management programs, or prohibit the group insurance board  
5 from providing other plans as authorized under par. (b).”.

6 **50. Page 482, line 5:** after that line insert:

7 “**SECTION 1145d.** 40.05 (1) (a) (intro.) of the statutes, as affected by 2011  
8 Wisconsin Act 10, is repealed and recreated to read:

9 40.05 (1) (a) (intro.) Subject to par. (b):

10 **SECTION 1145f.** 40.05 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin  
11 Act 10, is repealed and recreated to read:

12 40.05 (1) (a) 1. For each participating employee not otherwise specified, a  
13 percentage of each payment of earnings equal to one-half of the total actuarially  
14 required contribution rate, as approved by the board under s. 40.03 (1) (e).

15 **SECTION 1145h.** 40.05 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin  
16 Act 10, is repealed and recreated to read:

17 40.05 (1) (a) 2. For each participating employee whose formula rate is  
18 determined under s. 40.23 (2m) (e) 2., a percentage of each payment of earnings equal  
19 to one-half of the total actuarially required contribution rate, as approved by the  
20 board under s. 40.03 (1) (e).

21 **SECTION 1145j.** 40.05 (1) (a) 3. of the statutes, as affected by 2011 Wisconsin  
22 Act 10, is repealed and recreated to read:

1           40.05 (1) (a) 3. For each participating employee whose formula rate is  
2           determined under s. 40.23 (2m) (e) 3., the percentage of earnings paid by a  
3           participating employee under subd. 1.

4           **SECTION 1145L.** 40.05 (1) (a) 4. of the statutes is, as affected by 2011 Wisconsin  
5           Act 10, is repealed and recreated to read:

6           40.05 (1) (a) 4. For each participating employee whose formula rate is  
7           determined under s. 40.23 (2m) (e) 4., the percentage of earnings paid by a  
8           participating employee under subd. 1.”.

9           **51.** [Page 482, line 6](#): delete the material beginning with that line and ending  
with page 483, line 13, and substitute:

10           **“SECTION 1145n.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act  
11           10, is repealed and recreated to read:

12           40.05 (1) (b) 1. Except as otherwise provided in a collective bargaining  
13           agreement entered into under subch. IV or V of ch. 111 and except as provided in  
14           subd. 2., an employer may not pay, on behalf of a participating employee, any of the  
15           contributions required by par. (a). The contributions required by par. (a) shall be  
16           made by a reduction in salary and, for tax purposes, shall be considered employer  
17           contributions under section 414 (h) (2) of the Internal Revenue Code. A participating  
18           employee may not elect to have contributions required by par. (a) paid directly to the  
19           employee or make a cash or deferred election with respect to the contributions.

20           2. a. A municipal employer shall pay, on behalf of a nonrepresented law  
21           enforcement or fire fighting managerial employee, who was initially employed by the  
22           municipal employer before the effective date of this subd. 2. a. .... [LRB inserts date],  
23           the same contributions required by par. (a) that are paid by the municipal employer

1 for represented law enforcement or fire fighting personnel who were initially  
2 employed by the municipal employer before the effective date of this subd. 2. a. ....  
3 [LRB inserts date].

4 b. An employer shall pay, on behalf of a nonrepresented managerial employee  
5 in a position described under s. 40.02 (48) (am) 7. or 8., who was initially employed  
6 by the state before the effective date of this subd. 2. b. .... [LRB inserts date], in a  
7 position described under s. 40.02 (48) (am) 7. or 8. the same contributions required  
8 by par. (a) that are paid by the employer for represented employees in positions  
9 described under s. 40.02 (48) (am) 7. or 8. who were initially employed by the state  
10 before the effective date of this subd. 2. b. .... [LRB inserts date].

11 c. A municipal employer shall pay, on behalf of a represented law enforcement  
12 or fire fighting employee, who was initially employed by the municipal employer  
13 before the effective date of this subd. 2. c. .... [LRB inserts date], and who on or after  
14 the effective date of this subd. 2. c. .... [LRB inserts date], became employed in a  
15 nonrepresented law enforcement or fire fighting managerial position with the same  
16 municipal employer, or a successor municipal employer in the event of a combined  
17 department that is created on or after the effective date of this subd. 2. c. .... [LRB  
18 inserts date], the same contributions required by par. (a) that are paid by the  
19 employer for represented law enforcement or fire fighting personnel who were  
20 initially employed by a municipal employer before the effective date of this subd. 2.  
21 c. .... [LRB inserts date].”.

22 **52.** [Page 483, line 13](#): after that line insert:

23 “**SECTION 1145rc.** 40.05 (2m) of the statutes is repealed.

24 **SECTION 1145re.** 40.05 (2n) of the statutes is repealed.

1           **SECTION 1145rh.** 40.05 (4) (ag) of the statutes, as affected by 2011 Wisconsin  
2 Act 10, is repealed and recreated to read:

3           40.05 (4) (ag) Except as otherwise provided in a collective bargaining  
4 agreement under subch. V of ch. 111, the employer shall pay for its currently  
5 employed insured employees:

6           1. For insured part-time employees other than employees specified in s. 40.02  
7 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are  
8 appointed to work less than 1,044 hours per year, an amount determined annually  
9 by the director of the office of state employment relations under par. (ah).

10           2. For eligible employees not specified in subd. 1. and s. 40.02 (25) (b) 2., an  
11 amount not more than 88 percent of the average premium cost of plans offered in the  
12 tier with the lowest employee premium cost under s. 40.51 (6), as determined  
13 annually by the director of the office of state employment relations under par. (ah).

14           **SECTION 1145rm.** 40.05 (4) (ah) of the statutes is created to read:

15           40.05 (4) (ah) Annually, the director of the office of state employment relations  
16 shall establish the amount that employees are required to pay for health insurance  
17 premiums in accordance with the maximum employer payments under par. (ag).

18           **SECTION 1145rs.** 40.05 (4) (ar) of the statutes is repealed.”.

19           **53.** [Page 483, line 22](#): delete the material beginning with that line and ending  
with page 485, line 5, and substitute:

20           **“SECTION 1146m.** 40.05 (4) (b) of the statutes, as affected by 2011 Wisconsin Act  
21 10, is repealed and recreated to read:

22           40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused  
23 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)

1 and subch. V of ch. 111 of any eligible employee shall, at the time of death, upon  
2 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)  
3 or upon termination of creditable service and qualifying as an eligible employee  
4 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate  
5 he or she received while employed by the state, to credits for payment of health  
6 insurance premiums on behalf of the employee or the employee's surviving insured  
7 dependents. Any supplemental compensation that is paid to a state employee who  
8 is classified under the state classified civil service as a teacher, teacher supervisor,  
9 or education director for the employee's completion of educational courses that have  
10 been approved by the employee's employer is considered as part of the employee's  
11 basic pay for purposes of this paragraph. The full premium for any eligible employee  
12 who is insured at the time of retirement, or for the surviving insured dependents of  
13 an eligible employee who is deceased, shall be deducted from the credits until the  
14 credits are exhausted and paid from the account under s. 40.04 (10), and then  
15 deducted from annuity payments, if the annuity is sufficient. The department shall  
16 provide for the direct payment of premiums by the insured to the insurer if the  
17 premium to be withheld exceeds the annuity payment. Upon conversion of an  
18 employee's unused sick leave to credits under this paragraph or par. (bf), the  
19 employee or, if the employee is deceased, the employee's surviving insured  
20 dependents may initiate deductions from those credits or may elect to delay  
21 initiation of deductions from those credits, but only if the employee or surviving  
22 insured dependents are covered by a comparable health insurance plan or policy  
23 during the period beginning on the date of the conversion and ending on the date on  
24 which the employee or surviving insured dependents later elect to initiate  
25 deductions from those credits. If an employee or an employee's surviving insured



dependents elect to delay initiation of deductions from those credits, an employee or the employee's surviving insured dependents may only later elect to initiate deductions from those credits during the annual enrollment period under par. (be). A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).”.

**54.** Page 485, line 20: after that line insert:

**“SECTION 1150g.** 40.05 (4) (bw) of the statutes is amended to read:

40.05 (4) (bw) On converting accumulated unused sick leave to credits for the payment of health insurance premiums under par. (b), the department shall add additional credits, calculated in the same manner as are credits under par. (b), that are based on a state employee's accumulated sabbatical leave or earned vacation leave from the state employee's last year of service prior to retirement, or both. The department shall apply the credits awarded under this paragraph for the payment of health insurance premiums only after the credits awarded under par. (b) are exhausted. This paragraph applies only to state employees who are eligible for accumulated unused sick leave conversion under par. (b) and who are entitled to the benefits under this paragraph pursuant to a collective bargaining agreement under subch. V or VI of ch. 111.

**SECTION 1150p.** 40.05 (4) (c) of the statutes is amended to read:

40.05 (4) (c) The employer shall contribute toward the payment of premiums for the plan established under s. 40.52 (3) ~~not more than the percentage of premium paid by the employer for health insurance coverage under par. (ag) 2~~ the amount established under s. 40.52 (3).”.

1           **SECTION 1151g.** 40.05 (4g) (a) 4. of the statutes is amended to read:

2           40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
3           or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111  
4           or under rules promulgated by the director of the office of state employment relations  
5           or is eligible for reemployment with the state under s. 321.64 after completion of his  
6           or her service in the U.S. armed forces.

7           **SECTION 1151p.** 40.05 (5) (intro.) of the statutes is amended to read:

8           40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
9           continuation insurance provided under subch. V the employee shall pay the amount  
10          remaining after the employer has contributed the following or, if different, the  
11          amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~  
12          of ch. 111 or s. 230.12 or 233.10.”.

13          **55.** [Page 485, line 21](#): delete lines 21 to 24 and substitute:

14          “**SECTION 1153b.** 40.05 (5) (b) 4. of the statutes, as affected by 2011 Wisconsin  
15          Act 10, is repealed and recreated to read:

16          40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in  
17          accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)  
18          and subch. V of ch. 111.”.

19          **56.** [Page 485, line 24](#): after that line insert:

20          “**SECTION 1153c.** 40.05 (6) (a) of the statutes is amended to read:

21          40.05 (6) (a) Except as otherwise provided in accordance with a collective  
22          bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 or s. 230.12 or 233.10, each  
23          insured employee under the age of 70 and annuitant under the age of 65 shall pay  
24          for group life insurance coverage a sum, approved by the group insurance board,

1 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,  
2 based upon the last amount of insurance in force during the month for which  
3 earnings are paid. The equivalent premium may be fixed by the group insurance  
4 board if the annual compensation is paid in other than 12 monthly installments.”.

5 **57. Page 487, line 19:** after that line insert:

6 “**SECTION 1156gh.** 40.23 (2m) (e) 2. of the statutes is amended to read:

7 40.23 **(2m)** (e) 2. For each participant for creditable service as an elected official  
8 or as an executive participating employee that is performed before January 1, 2000,  
9 2.165%; for such creditable service that is performed on or after January 1, 2000, but  
10 before the effective date of this subdivision .... [LRB inserts date], 2%; and for such  
11 creditable service that is performed on or after the effective date of this subdivision  
12 .... [LRB inserts date], 1.6%.”.

13 **58. Page 489, line 18:** after that line insert:

14 “**SECTION 1156tm.** 40.32 (1) of the statutes is amended to read:

15 40.32 **(1)** The sum of all contributions allocated to a participant’s account under  
16 each defined contribution plan sponsored by the employer, including all employer  
17 contributions and picked-up contributions credited with interest at the effective rate  
18 under ss. 40.04 (4) (a) and (5) (b) and 40.05 (2) (g) and all employee contributions  
19 made under ss. 40.02 (17) and 40.05 (1) ~~and (2m)~~, may not in any calendar year  
20 exceed the maximum contribution limitation established under section 415 (c) of the  
21 Internal Revenue Code.”.

22 **59. Page 489, line 19:** delete the material beginning with that line and ending  
with page 491, line 2, and substitute:

1           **“SECTION 1156ym.** 40.51 (7) of the statutes, as affected by 2011 Wisconsin Act  
2       10, is repealed and recreated to read:

3           40.51 (7) (a) Any employer, other than the state, may offer to all of its employees  
4       a health care coverage plan through a program offered by the group insurance board.  
5       Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule  
6       establish different eligibility standards or contribution requirements for such  
7       employees and employers and may by rule limit the categories of employers, other  
8       than the state, which may be included as participating employers under this  
9       subchapter. Beginning on January 1, 2012, except as otherwise provided in a  
10      collective bargaining agreement under subch. IV of ch. 111 and except as provided  
11      in par. (b), an employer may not offer a health care coverage plan to its employees  
12      under this subsection if the employer pays more than 88 percent of the average  
13      premium cost of plans offered in any tier with the lowest employee premium cost  
14      under this subsection.

15           (b) 1. A municipal employer shall pay, on behalf of a nonrepresented law  
16      enforcement or fire fighting managerial employee, who was initially employed by the  
17      municipal employer before the effective date of this subdivision .... [LRB inserts  
18      date], the same percentage under par. (a) that is paid by the municipal employer for  
19      represented law enforcement or fire fighting personnel who were initially employed  
20      by the municipal employer before the effective date of this subdivision .... [LRB  
21      inserts date].

22           2. A municipal employer shall pay, on behalf of a represented law enforcement  
23      or fire fighting employee, who was initially employed by the municipal employer  
24      before the effective date of this subdivision .... [LRB inserts date], and who on or after  
25      the effective date of this subdivision .... [LRB inserts date], became employed in a

1 nonrepresented law enforcement or fire fighting managerial position with the same  
2 municipal employer, or a successor municipal employer in the event of a combined  
3 department that is created on or after the effective date of this subdivision .... [LRB  
4 inserts date], the same percentage under par. (a) that is paid by the municipal  
5 employer for represented law enforcement or fire fighting personnel who were  
6 initially employed by the municipal employer before the effective date of this  
7 subdivision .... [LRB inserts date].”.

8 **60.** Page 491, line 2: after that line insert:

9 “**SECTION 1158m.** 40.52 (3) of the statutes, as affected by 2011 Wisconsin Act  
10 10, is repealed and recreated to read:

11 40.52 (3) The group insurance board, after consulting with the board of regents  
12 of the University of Wisconsin System, shall establish the terms of a health insurance  
13 plan for graduate assistants or teaching assistants, and for employees-in-training  
14 designated by the board of regents, who are employed on at least a one-third  
15 full-time basis and for teachers who are employed on at least a one-third full-time  
16 basis by the University of Wisconsin System with an expected duration of  
17 employment of at least 6 months but less than one year. Annually, the director of the  
18 office of state employment relations shall establish the amount that the employer  
19 and employees are required to pay in premium costs under this subsection.”.

20 **61.** Page 491, line 12: delete lines 12 to 16 and substitute:

21 “**SECTION 1161m.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Act  
22 10, is repealed and recreated to read:

23 40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
24 of the department, any collective bargaining agreement under subch. V of ch. 111,

1 and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2), 233.10,  
2 238.04 (8), 757.02 (5) and 978.12 (3).”.

3 **62. Page 491, line 16:** after that line insert:

4 “**SECTION 1162g.** 40.80 (3) of the statutes is amended to read:

5 40.80 (3) Any action taken under this section shall apply to employees covered  
6 by a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

7 **SECTION 1162p.** 40.81 (3) of the statutes is amended to read:

8 40.81 (3) Any action taken under this section shall apply to employees covered  
9 by a collective bargaining agreement under subch. IV, or V, ~~or~~ VI of ch. 111.”.

10 **63. Page 491, line 19:** after that line insert:

11 “**SECTION 1163d.** 40.95 (1) (a) 2. of the statutes is amended to read:

12 40.95 (1) (a) 2. The employee has his or her compensation established in a  
13 collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.”.

14 **64. Page 512, line 19:** after that line insert:

15 “**SECTION 1304p.** 46.284 (4) (m) of the statutes is repealed.”.

16 **65. Page 513, line 2:** after that line insert:

17 “**SECTION 1305g.** 46.2895 (8) (a) 1. of the statutes is amended to read:

18 46.2895 (8) (a) 1. If the long-term care district offers employment to any  
19 individual who was previously employed by a county, which participated in creating  
20 the district and at the time of the offer had not withdrawn or been removed from the  
21 district under sub. (14), and who while employed by the county performed duties  
22 relating to the same or a substantially similar function for which the individual is  
23 offered employment by the district and whose wages, ~~hours and conditions of~~  
24 ~~employment~~ were established in a collective bargaining agreement with the county

1 under subch. IV of ch. 111 that is in effect on the date that the individual commences  
2 employment with the district, with respect to that individual, abide by the terms of  
3 the collective bargaining agreement concerning the individual's wages and, if  
4 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday  
5 allowance, funeral leave allowance, personal day allowance, or paid time off  
6 allowance until the time of the expiration of that collective bargaining agreement or  
7 adoption of a collective bargaining agreement with the district under subch. IV of ch.  
8 111 covering the individual as an employee of the district, whichever occurs first.

9 **SECTION 1305p.** 46.2898 of the statutes is repealed.”.

10 **66.** Page 513, line 17: after that line insert:

11 “**SECTION 1309p.** 46.48 (9m) of the statutes is repealed.”.

12 **67.** Page 624, line 7: after that line insert:

13 “**SECTION 1545nd.** 49.825 (3) (b) 4. of the statutes is repealed.”.

14 **68.** Page 626, line 8: after that line insert:

15 “**SECTION 1546n.** 49.826 (3) (b) 4. of the statutes is repealed.”.

16 **69.** Page 637, line 20: after that line insert:

17 “**SECTION 1667m.** Chapter 52 of the statutes is repealed.”.

18 **70.** Page 658, line 17: after that line insert:

19 “**SECTION 1721g.** 66.0506 of the statutes is created to read:

20 **66.0506 Referendum; increase in employee wages.** (1) In this section,  
21 “local governmental unit” means any city, village, town, county, metropolitan  
22 sewerage district, long-term care district, transit authority under s. 59.58 (7) or  
23 66.1039, local cultural arts district under subch. V of ch. 229, or any other political

subdivision of the state, or instrumentality of one or more political subdivisions of the state.

(2) If any local governmental unit wishes to increase the total base wages of its general municipal employees, as defined in s. 111.70 (1) (fm), who are part of a collective bargaining unit under subch. IV of ch. 111, in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The referendum shall occur in November for collective bargaining agreements that begin the following January 1. The results of a referendum apply to the total base wages only in the next collective bargaining agreement.

(3) The referendum question shall be substantially as follows: "Shall the .... [general municipal employees] in the .... [local governmental unit] receive a total increase in wages from \$....[current total base wages] to \$....[proposed total base wages], which is a percentage wage increase that is .... [x] percent higher than the percent of the consumer price index increase, for a total percentage increase in wages of .... [x]?"

**SECTION 1721j.** 66.0508 of the statutes is created to read:

**66.0508 Collective bargaining.** (1) In this section, "local governmental unit" has the meaning given in s. 66.0506 (1).

(1m) Except as provided under subch. IV of ch. 111, no local governmental unit may collectively bargain with its employees.



1           **(2)** If a local governmental unit has in effect on the effective date of this  
2 subsection .... [LRB inserts date], an ordinance or resolution that is inconsistent with  
3 sub. (1m), the ordinance or resolution does not apply and may not be enforced.

4           **SECTION 1721n.** 66.0509 (1m) of the statutes is created to read:

5           **66.0509 (1m)** (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that  
6 does not have a civil service system on the effective date of this paragraph .... [LRB  
7 inserts date], shall establish a grievance system not later than the first day of the 4th  
8 month beginning after the effective date of this paragraph .... [LRB inserts date].

9           (b) To comply with the grievance system that is required under par. (a), a local  
10 governmental unit may establish either a civil service system under any provision  
11 authorized by law, to the greatest extent practicable, if no specific provision for the  
12 creation of a civil service system applies to that local governmental unit, or establish  
13 a grievance procedure as described under par. (d).

14           (c) Any civil service system that is established under any provision of law, and  
15 any grievance procedure that is created under this subsection, shall contain at least  
16 all of the following provisions:

- 17           1. A grievance procedure that addresses employee terminations.  
18           2. Employee discipline.  
19           3. Workplace safety.

20           (d) If a local governmental unit creates a grievance procedure under this  
21 subsection, the procedure shall contain at least all of the following elements:

- 22           1. A written document specifying the process that a grievant and an employer  
23 must follow.  
24           2. A hearing before an impartial hearing officer.

1           3. An appeal process in which the highest level of appeal is the governing body  
2 of the local governmental unit.

3           (e) If an employee of a local governmental unit is covered by a civil service  
4 system on the effective date of this paragraph .... [LRB inserts date], and if that  
5 system contains provisions that address the provisions specified in par. (c), the  
6 provisions that apply to the employee under his or her existing civil service system  
7 continue to apply to that employee.

8           **SECTION 1721p.** 66.0518 of the statutes is created to read:

9           **66.0518 Defined benefit pension plans.** A local governmental unit, as  
10 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its  
11 employees unless the plan requires the employees to pay half of all actuarially  
12 required contributions for funding benefits under the plan and prohibits the local  
13 governmental unit from paying on behalf of an employee any of the employee's share  
14 of the actuarially required contributions.”.

15           **71.** [Page 675, line 15](#): after that line insert:

16           **“SECTION 1740b.** 66.1105 (2) (k) of the statutes is renumbered 66.1105 (2) (k)  
17 1. and amended to read:

18           66.1105 (2) (k) 1. “Tax incremental district” means a contiguous geographic  
19 area within a city defined and created by resolution of the local legislative body,  
20 consisting solely of whole units of property as are assessed for general property tax  
21 purposes, other than railroad rights-of-way, rivers or highways. Railroad  
22 rights-of-way, rivers or highways may be included in a tax incremental district only  
23 if they are continuously bounded on either side, or on both sides, by whole units of  
24 property as are assessed for general property tax purposes which are in the tax

1 incremental district. “Tax incremental district” does not include any area identified  
2 as a wetland on a map under s. 23.32, except for an area identified on such a map that  
3 has been converted in compliance with state law so that it is no longer a wetland and  
4 except as provided in subd. 2.

5 **SECTION 1740d.** 66.1105 (2) (k) 2. of the statutes is created to read:

6 66.1105 (2) (k) 2. For an area that is identified as a wetland on a map under  
7 s. 23.32 and that is within the boundaries of a tax incremental district or is part of  
8 a tax incremental district parcel, the area shall be considered part of the tax  
9 incremental district for determining the applicability of exemptions from or  
10 compliance with water quality standards that are applicable to wetlands.”.

11 **72.** Page 682, line 3: after that line insert:

12 “**SECTION 1748dc.** 70.11 (41s) of the statutes is repealed.”.

13 **73.** Page 753, line 11: after that line insert:

14 “**SECTION 1894x.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin  
15 Act 7, is amended to read:

16 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
17 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
18 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
19 Navigational System Authority, of the Wisconsin Economic Development  
20 Corporation, and of the Wisconsin Aerospace Authority.”.

21 **74.** Page 864, line 6: after that line insert:

22 “**SECTION 2135p.** 73.03 (68) of the statutes is created to read:

23 73.03 (68) At the request of the Wisconsin Employment Relations Commission,  
24 as provided under s. 111.70 (4) (mbb) or 111.91 (3q), to determine the average annual

percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the 12 months immediately preceding the request from the Wisconsin Employment Relations Commission.”.

**75.** Page 875, line 19: after that line insert:

“**SECTION 2179m.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.”.

**76.** Page 934, line 10: after that line insert:

“**SECTION 2311p.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

100.45 **(1)** (dm) “State agency” means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~

1 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
2 Navigational System Authority.”.

3 **77. Page 951, line 22:** after that line insert:

4 “**SECTION 2378d.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin  
5 Act 7, is amended to read:

6 101.177 (1) (d) “State agency” means any office, department, agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
11 Center Sports and Entertainment Corporation, the University of Wisconsin  
12 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~  
13 ~~Quality Home Care Authority~~, the Wisconsin Economic Development Corporation,  
14 and the Wisconsin Health and Educational Facilities Authority, but excluding the  
15 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River  
16 Remediation Authority.”.

17 **78. Page 956, line 1:** before that line insert:

18 “**SECTION 2407bg.** 111.70 (3p) of the statutes is repealed.

19 **SECTION 2407br.** 111.70 (4) (intro.) of the statutes is amended to read:

20 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct  
21 any election under this subsection by secret ballot and shall be governed by adhere  
22 to the following provisions relating to bargaining in municipal employment in  
23 addition to other powers and duties provided in this subchapter:

24 **SECTION 2407bt.** 111.70 (4) (bm) of the statutes is created to read:

111.70 (4) (bm) *Transit employee determination.* The commission shall determine that any municipal employee is a transit employee if the commission determines that the municipal employer who employs the municipal employee would lose federal funding under 49 USC 5333 (b) if the municipal employee is not a transit employee.

**SECTION 2407cg.** 111.70 (4) (c) (title) of the statutes is amended to read:

111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; ~~law enforcement and fire fighting personnel~~ public safety employees.*

**SECTION 2407cr.** 111.70 (4) (c) 1. of the statutes is amended to read:

111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in labor disputes involving a collective bargaining unit containing a public safety employee. Such mediation may be carried on by a person designated to act by the commission upon request of one or both of the parties or upon initiation of the commission. The function of the mediator ~~shall be~~ is to encourage voluntary settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

**SECTION 2407dg.** 111.70 (4) (c) 2. a. of the statutes is renumbered 111.70 (4) (c) 2. and amended to read:

111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a public safety employee may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial and disinterested person to so serve.

**SECTION 2407dgm.** 111.70 (4) (c) 2. b. of the statutes is repealed.

**SECTION 2407dr.** 111.70 (4) (c) 3. of the statutes is amended to read:

1           111.70 (4) (c) 3. 'Fact-finding.' If Unless s. 111.77 applies, if a dispute involving  
2           a collective bargaining unit containing a public safety employee has not been settled  
3           after a reasonable period of negotiation and after the settlement procedures, if any,  
4           established by the parties have been exhausted, and the parties are deadlocked with  
5           respect to any dispute between them arising in the collective bargaining process,  
6           either party, or the parties jointly, may petition the commission, in writing, to initiate  
7           fact-finding, ~~as provided hereafter,~~ and to make recommendations to resolve the  
8           deadlock, as follows:

9           a. Upon receipt of ~~a~~ the petition to initiate fact-finding, the commission shall  
10          make an investigation with or without a formal hearing, to determine whether a  
11          deadlock in fact exists. After its investigation the commission shall certify the  
12          results thereof. If the commission decides that fact-finding should be initiated, it  
13          shall appoint a qualified, disinterested person or 3-member panel, when jointly  
14          requested by the parties, to function as a fact finder.

15          b. The fact finder appointed under subd. 3. a. may establish dates and place of  
16          hearings which shall be where feasible, and shall conduct the hearings pursuant to  
17          rules established by the commission. Upon request, the commission shall issue  
18          subpoenas for hearings conducted by the fact finder. The fact finder may administer  
19          oaths. Upon completion of the hearing, the fact finder shall make written findings  
20          of fact and recommendations for solution of the dispute and shall cause the same to  
21          be served on the parties and the commission. Cost of fact-finding proceedings shall  
22          be divided equally between the parties. At the time the fact finder submits a  
23          statement of his or her costs to the parties, the fact finder shall submit a copy thereof  
24          of the statement to the commission at its Madison office.

1           c. ~~Nothing herein shall be construed as prohibiting in this subdivision prohibits~~  
2           any fact finder appointed under subd. 3. a. from endeavoring to mediate the dispute,  
3           in which the fact finder is involved, at any time prior to the issuance of the fact  
4           finder's recommendations.

5           d. Within 30 days of the receipt of the fact finder's recommendations under  
6           subd. 3. b., or within the time period mutually agreed upon by the parties, each party  
7           shall ~~advise~~ give notice to the other party, in writing as to its acceptance or rejection,  
8           in whole or in part, of the fact finder's recommendations and, ~~at the same time,~~  
9           transmit a copy of such the notice to the commission at its Madison office.

10           **SECTION 2407eg.** 111.70 (4) (c) 4. of the statutes is repealed.

11           **SECTION 2407ep.** 111.70 (4) (cg) of the statutes is created to read:

12           111.70 (4) (cg) *Methods for peaceful settlement of disputes; transit employees.*

13           1. 'Notice of commencement of contract negotiations.' To advise the commission of  
14           the commencement of contract negotiations involving a collective bargaining unit  
15           containing transit employees, whenever either party requests the other to reopen  
16           negotiations under a binding collective bargaining agreement, or the parties  
17           otherwise commence negotiations if no collective bargaining agreement exists, the  
18           party requesting negotiations shall immediately notify the commission in writing.  
19           Upon failure of the requesting party to provide notice, the other party may provide  
20           notice to the commission. The notice shall specify the expiration date of the existing  
21           collective bargaining agreement, if any, and shall provide any additional information  
22           the commission may require on a form provided by the commission.

23           2. 'Presentation of initial proposals; open meetings.' The meetings between  
24           parties to a collective bargaining agreement or proposed collective bargaining  
25           agreement under this subchapter that involve a collective bargaining unit



1 containing a transit employee and that are held to present initial bargaining  
2 proposals, along with supporting rationale, are open to the public. Each party shall  
3 submit its initial bargaining proposals to the other party in writing. Failure to  
4 comply with this subdivision does not invalidate a collective bargaining agreement  
5 under this subchapter.

6 3. ‘Mediation.’ The commission or its designee shall function as mediator in  
7 labor disputes involving transit employees upon request of one or both of the parties,  
8 or upon initiation of the commission. The function of the mediator is to encourage  
9 voluntary settlement by the parties. No mediator has the power of compulsion.

10 4. ‘Grievance arbitration.’ Parties to a dispute pertaining to the meaning or  
11 application of the terms of a written collective bargaining agreement involving a  
12 collective bargaining unit containing a transit employee may agree in writing to have  
13 the commission or any other appropriate agency serve as arbitrator or may designate  
14 any other competent, impartial, and disinterested person to serve as an arbitrator.

15 5. ‘Voluntary impasse resolution procedures.’ In addition to the other impasse  
16 resolution procedures provided in this paragraph, a municipal employer that  
17 employs a transit employee and labor organization may at any time, as a permissive  
18 subject of bargaining, agree in writing to a dispute settlement procedure, including  
19 binding interest arbitration, which is acceptable to the parties for resolving an  
20 impasse over terms of any collective bargaining agreement under this subchapter.  
21 The parties shall file a copy of the agreement with the commission. If the parties  
22 agree to any form of binding interest arbitration, the arbitrator shall give weight to  
23 the factors enumerated under subds. 7. and 7g.

24 6. ‘Interest arbitration.’ a. If in any collective bargaining unit containing  
25 transit employees a dispute has not been settled after a reasonable period of

1 negotiation and after mediation by the commission under subd. 3. and other  
2 settlement procedures, if any, established by the parties have been exhausted, and  
3 the parties are deadlocked with respect to any dispute between them over wages,  
4 hours, or conditions of employment to be included in a new collective bargaining  
5 agreement, either party, or the parties jointly, may petition the commission, in  
6 writing, to initiate compulsory, final, and binding arbitration, as provided in this  
7 paragraph. At the time the petition is filed, the petitioning party shall submit in  
8 writing to the other party and the commission its preliminary final offer containing  
9 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
10 of that submission, the other party shall submit in writing its preliminary final offer  
11 on all disputed issues to the petitioning party and the commission. If a petition is  
12 filed jointly, both parties shall exchange their preliminary final offers in writing and  
13 submit copies to the commission when the petition is filed.

14 am. Upon receipt of a petition under subd. 6. a. to initiate arbitration, the  
15 commission shall determine, with or without a formal hearing, whether arbitration  
16 should be commenced. If in determining whether an impasse exists the commission  
17 finds that the procedures under this paragraph have not been complied with and  
18 compliance would tend to result in a settlement, it may order compliance before  
19 ordering arbitration. The validity of any arbitration award or collective bargaining  
20 agreement is not affected by failure to comply with the procedures. Prior to the close  
21 of the investigation each party shall submit in writing to the commission its single  
22 final offer containing its final proposals on all issues in dispute that are subject to  
23 interest arbitration under this subdivision. If a party fails to submit a single,  
24 ultimate final offer, the commission shall use the last written position of the party.  
25 Such final offers may include only mandatory subjects of bargaining, except that a

1 permissive subject of bargaining may be included by a party if the other party does  
2 not object and is then treated as a mandatory subject. At that time, the parties shall  
3 submit to the commission a stipulation, in writing, with respect to all matters that  
4 they agree to include in the new or amended collective bargaining agreement. The  
5 commission, after determining that arbitration should be commenced, shall issue an  
6 order requiring arbitration and immediately submit to the parties a list of 7  
7 arbitrators. The parties shall alternately strike names from the list until one name  
8 is left that person shall be appointed arbitrator. The petitioning party shall notify  
9 the commission in writing of the identity of the arbitrator. The commission shall then  
10 formally appoint the arbitrator and submit to him or her the final offers of the  
11 parties. The final offers are public documents and the commission shall make them  
12 available. In lieu of a single arbitrator and upon request of both parties, the  
13 commission shall appoint a tripartite arbitration panel consisting of one member  
14 selected by each of the parties and a neutral person designated by the commission  
15 who shall serve as a chairperson. An arbitration panel has the same powers and  
16 duties provided in this section as any other appointed arbitrator, and all arbitration  
17 decisions by a panel shall be determined by majority vote. In lieu of selection of the  
18 arbitrator by the parties and upon request of both parties, the commission shall  
19 establish a procedure for randomly selecting names of arbitrators. Under the  
20 procedure, the commission shall submit a list of 7 arbitrators to the parties. Each  
21 party shall strike one name from the list. From the remaining 5 names, the  
22 commission shall randomly appoint an arbitrator. Unless both parties to an  
23 arbitration proceeding otherwise agree in writing, every individual whose name is  
24 submitted by the commission for appointment as an arbitrator must be a resident of  
25 this state at the time of submission and every individual who is designated as an

1 arbitration panel chairperson must be a resident of this state at the time of  
2 designation.

3 b. The arbitrator shall, within 10 days of his or her appointment under subd.  
4 6. am., establish a date and place for the arbitration hearing. Upon petition of at least  
5 5 citizens of the jurisdiction served by the municipal employer, filed within 10 days  
6 after the date on which the arbitrator is appointed, the arbitrator shall hold a public  
7 hearing in the jurisdiction to provide both parties the opportunity to present  
8 supporting arguments for their positions and to provide to members of the public the  
9 opportunity to offer their comments. The final offers of the parties, as transmitted  
10 by the commission to the arbitrator, are the basis for continued negotiations, if any,  
11 between the parties with respect to the issues in dispute. At any time prior to the  
12 arbitration hearing, either party, with the consent of the other party, may modify its  
13 final offer in writing.

14 c. Before issuing his or her arbitration decision, the arbitrator shall, on his or  
15 her own motion or at the request of either party, conduct a meeting open to the public  
16 to provide the opportunity to both parties to present supporting arguments for their  
17 complete offer on all matters to be covered by the proposed agreement. The  
18 arbitrator shall adopt without further modification the final offer of one of the parties  
19 on all disputed issues submitted under subd. 6. am., except those items that the  
20 commission determines not to be mandatory subjects of bargaining and those items  
21 that have not been treated as mandatory subjects by the parties, and including any  
22 prior modifications of the offer mutually agreed upon by the parties under subd. 6.

23 b. The decision shall be final and binding on both parties and shall be incorporated  
24 into a written collective bargaining agreement. The arbitrator shall serve a copy of  
25 his or her decision on both parties and the commission.

1 e. Arbitration proceedings may not be interrupted or terminated by reason of  
2 any prohibited practice complaint filed by either party at any time.

3 f. The parties shall divide the costs of arbitration equally. The arbitrator shall  
4 submit a statement of his or her costs to both parties and to the commission.

5 g. If a question arises as to whether any proposal made in negotiations by either  
6 party is a mandatory, permissive, or prohibited subject of bargaining, the  
7 commission shall determine the issue under par. (b). If either party to the dispute  
8 petitions the commission for a declaratory ruling under par. (b), the proceedings  
9 under subd. 6. c. shall be delayed until the commission renders a decision in the  
10 matter, but not during any appeal of the commission order. The arbitrator's award  
11 shall be made in accordance with the commission's ruling, subject to automatic  
12 amendment by any subsequent court reversal.

13 7. 'Factor given greatest weight.' In making any decision under the arbitration  
14 procedures under this paragraph, the arbitrator or arbitration panel shall consider  
15 and shall give the greatest weight to the economic conditions in the jurisdiction of  
16 the municipal employer. The arbitrator or arbitration panel shall give an accounting  
17 of the consideration of this factor in the arbitrator's or panel's decision.

18 7g. 'Factor given greater weight.' In making any decision under the arbitration  
19 procedures under this paragraph, the arbitrator or arbitration panel shall consider  
20 and shall give greater weight to any state law or directive lawfully issued by a state  
21 legislative or administrative officer, body, or agency that places limitations on  
22 expenditures that may be made or revenues that may be collected by a municipal  
23 employer than to any of the factors specified in subd. 7r.

1           7r. 'Other factors considered.' In making any decision under the arbitration  
2 procedures under by this paragraph, the arbitrator or arbitration panel shall give  
3 weight to the following factors:

4           a. The lawful authority of the municipal employer.

5           b. Stipulations of the parties.

6           c. The interests and welfare of the public and the financial ability of the unit  
7 of government to meet the costs of any proposed settlement.

8           d. Comparison of wages, hours and conditions of employment of the transit  
9 employees involved in the arbitration proceedings with the wages, hours, and  
10 conditions of employment of other employees performing similar services.

11           e. Comparison of the wages, hours and conditions of employment of the transit  
12 employees involved in the arbitration proceedings with the wages, hours, and  
13 conditions of employment of other employees generally in public employment in the  
14 same community and in comparable communities.

15           f. Comparison of the wages, hours and conditions of employment of the transit  
16 employees involved in the arbitration proceedings with the wages, hours, and  
17 conditions of employment of other employees in private employment in the same  
18 community and in comparable communities.

19           g. The average consumer prices for goods and services, commonly known as the  
20 cost of living.

21           h. The overall compensation presently received by the transit employees,  
22 including direct wage compensation, vacation, holidays, and excused time,  
23 insurance and pensions, medical and hospitalization benefits, the continuity and  
24 stability of employment, and all other benefits received.

1           i. Changes in any of the foregoing circumstances during the pendency of the  
2 arbitration proceedings.

3           j. Such other factors, not confined to the foregoing, which are normally or  
4 traditionally taken into consideration in the determination of wages, hours and  
5 conditions of employment through voluntary collective bargaining, mediation,  
6 fact-finding, arbitration or otherwise between the parties, in the public service or in  
7 private employment.

8           8. ‘Rule making.’ The commission shall adopt rules for the conduct of all  
9 arbitration proceedings under subd. 6., including, but not limited to, rules for:

10           a. The appointment of tripartite arbitration panels when requested by the  
11 parties.

12           b. The expeditious rendering of arbitration decisions, such as waivers of briefs  
13 and transcripts.

14           c. The removal of individuals who have repeatedly failed to issue timely  
15 decisions from the commission’s list of qualified arbitrators.

16           d. Proceedings for the enforcement of arbitration decisions.

17           8m. ‘Term of agreement; reopening of negotiations.’ Except for the initial  
18 collective bargaining agreement between the parties and except as the parties  
19 otherwise agree, every collective bargaining agreement covering transit employees  
20 shall be for a term of 2 years, but in no case may a collective bargaining agreement  
21 for any collective bargaining unit consisting of transit employees subject to this  
22 paragraph be for a term exceeding 3 years. No arbitration award involving transit  
23 employees may contain a provision for reopening of negotiations during the term of  
24 a collective bargaining agreement, unless both parties agree to such a provision. The  
25 requirement for agreement by both parties does not apply to a provision for

1 reopening of negotiations with respect to any portion of an agreement that is  
2 declared invalid by a court or administrative agency or rendered invalid by the  
3 enactment of a law or promulgation of a federal regulation.

4 9. 'Application.' Chapter 788 does not apply to arbitration proceedings under  
5 this paragraph.

6 **SECTION 2407er.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are  
7 amended to read:

8 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; other*  
9 *personnel general municipal employees*. 1. 'Notice of commencement of contract  
10 negotiations.' For the purpose of advising the commission of the commencement of  
11 contract negotiations involving a collective bargaining unit containing general  
12 municipal employees, whenever either party requests the other to reopen  
13 negotiations under a binding collective bargaining agreement, or the parties  
14 otherwise commence negotiations if no such agreement exists, the party requesting  
15 negotiations shall immediately notify the commission in writing. Upon failure of the  
16 requesting party to provide such notice, the other party may so notify the  
17 commission. The notice shall specify the expiration date of the existing collective  
18 bargaining agreement, if any, and shall set forth any additional information the  
19 commission may require on a form provided by the commission.

20 2. 'Presentation of initial proposals; open meetings.' The meetings between  
21 parties to a collective bargaining agreement or proposed collective bargaining  
22 agreement under this subchapter ~~which~~ that involve a collective bargaining unit  
23 containing a general municipal employee and that are held for the purpose of  
24 presenting initial bargaining proposals, along with supporting rationale, shall be  
25 open to the public. Each party shall submit its initial bargaining proposals to the



1 other party in writing. Failure to comply with this subdivision is not cause to  
2 invalidate a collective bargaining agreement under this subchapter.

3 3. 'Mediation.' The commission or its designee shall function as mediator in  
4 labor disputes involving general municipal employees upon request of one or both of  
5 the parties, or upon initiation of the commission. The function of the mediator shall  
6 be to encourage voluntary settlement by the parties. No mediator has the power of  
7 compulsion.

8 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or  
9 application of the terms of a written collective bargaining agreement involving a  
10 collective bargaining unit containing a general municipal employee may agree in  
11 writing to have the commission or any other appropriate agency serve as arbitrator  
12 or may designate any other competent, impartial and disinterested person to so  
13 serve.

14 **SECTION 2407fg.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are  
15 repealed.

16 **SECTION 2407fr.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

17 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for  
18 the initial collective bargaining agreement between the parties and ~~except as the~~  
19 ~~parties otherwise agree~~, every collective bargaining agreement covering general  
20 municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, ~~but in~~  
21 ~~no case may a collective bargaining agreement for any collective bargaining unit~~  
22 ~~consisting of municipal employees subject to this paragraph other than school~~  
23 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~  
24 ~~agreement for any collective bargaining unit consisting of school district employees~~  
25 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be

1 ~~extended.~~ No arbitration award may contain a provision for reopening of  
2 negotiations during the term of a collective bargaining agreement, covering general  
3 municipal employees may be reopened for negotiations unless both parties agree to  
4 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for  
5 agreement by both parties does not apply to a provision for reopening of negotiations  
6 with respect to any portion of an agreement that is declared invalid by a court or  
7 administrative agency or rendered invalid by the enactment of a law or promulgation  
8 of a federal regulation.

9 **SECTION 2407hg.** 111.70 (4) (cm) 9. of the statutes is repealed.

10 **SECTION 2408b.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

11 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
12 bargaining unit for the purpose of collective bargaining and shall whenever possible,  
13 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by  
14 maintaining as few collective bargaining units as practicable in keeping with the size  
15 of the total municipal workforce. ~~In making such a determination, the~~ The  
16 commission may decide whether, in a particular case, the municipal employees in the  
17 same or several departments, divisions, institutions, crafts, professions, or other  
18 occupational groupings constitute a collective bargaining unit. Before making its  
19 determination, the commission may provide an opportunity for the municipal  
20 employees concerned to determine, by secret ballot, whether they desire to be  
21 established as a separate collective bargaining unit. The commission shall may not  
22 decide, however, that any group of municipal employees constitutes an appropriate  
23 collective bargaining unit if the group includes both professional employees and  
24 nonprofessional employees, unless a majority of the professional employees vote for  
25 inclusion in the unit. The commission may not decide that any group of municipal

employees constitutes an appropriate collective bargaining unit if the group includes both school district employees and general municipal employees who are not school district employees. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both public safety employees and general municipal employees, if the group include includes both transit employees and general municipal employees, or if the group includes both transit employees and public safety employees. The commission shall  
may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30% of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit. ~~Upon the expiration of any collective bargaining agreement in force, the commission shall combine into a single collective bargaining unit 2 or more collective bargaining units consisting of school district employees if a majority of the employees voting in each collective bargaining unit vote to combine. Any vote taken under this subsection shall be by secret ballot.~~

**SECTION 2408cg.** 111.70 (4) (d) 3. of the statutes is amended to read:

111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning representation or appropriate unit, calling for a vote, the commission shall certify the

1 results in writing to the municipal employer and the labor organization involved and  
2 to any other interested parties.

3 c. Any ballot used in a representation proceeding under this subdivision shall  
4 include the names of all persons having an interest in representing or the results.  
5 The ballot should be so designed as to permit a vote against representation by any  
6 candidate named on the ballot. The findings of the commission, on which a  
7 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

8 **SECTION 2408ch.** 111.70 (4) (d) 3. b. of the statutes is created to read:

9 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify  
10 the representative of the collective bargaining unit that contains a general municipal  
11 employee. The election shall occur no later than December 1 for a collective  
12 bargaining unit containing school district employees and no later than May 1 for a  
13 collective bargaining unit containing general municipal employees who are not  
14 school district employees. The commission shall certify any representative that  
15 receives at least 51 percent of the votes of all of the general municipal employees in  
16 the collective bargaining unit. If no representative receives at least 51 percent of the  
17 votes of all of the general municipal employees in the collective bargaining unit, at  
18 the expiration of the collective bargaining agreement, the commission shall decertify  
19 the current representative and the general municipal employees shall be  
20 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under  
21 this subd. 3. b., the affected general municipal employees may not be included in a  
22 substantially similar collective bargaining unit for 12 months from the date of  
23 decertification. The commission shall assess and collect a certification fee for each  
24 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall  
25 be credited to the appropriation account under s. 20.425 (1) (i).”.

1           **79.** Page 971, line 14: after that line insert:

2           “**SECTION 2403y.** 109.03 (1) (b) of the statutes is amended to read:

3           109.03 (1) (b) School district and private school employees who voluntarily  
4           request payment over a 12-month period for personal services performed during the  
5           school year, unless such, with respect to private school employees, the employees are  
6           covered under a valid collective bargaining agreement which precludes this method  
7           of payment.”.

8           **80.** Page 973, line 10: after that line insert:

9           “**SECTION 2404s.** 111.02 (1) of the statutes is amended to read:

10          111.02 (1) The term “all-union “All-union agreement” shall mean means an  
11          agreement between an employer ~~other than the University of Wisconsin Hospitals~~  
12          ~~and Clinics Authority~~ and the representative of the employer’s employees in a  
13          collective bargaining unit whereby all or any of the employees in such unit are  
14          required to be members of a single labor organization.

15          **SECTION 2404sb.** 111.02 (2) of the statutes is amended to read:

16          111.02 (2) “Collective bargaining” is ~~the negotiating~~ means the negotiation by  
17          an employer and a majority of the employer’s employees in a collective bargaining  
18          unit, or their representatives, concerning representation or terms and conditions of  
19          employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~  
20          ~~(2),~~ in a mutually genuine effort to reach an agreement with reference to the subject  
21          under negotiation.

22          **SECTION 2404sc.** 111.02 (3) of the statutes is amended to read:

23          111.02 (3) “Collective bargaining unit” means all of the employees of one  
24          employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~

1 except that where a majority of the employees engaged in a single craft, division,  
2 department or plant have voted by secret ballot as provided in s. 111.05 (2) to  
3 constitute such group a separate bargaining unit they shall be so considered, but, in  
4 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to  
5 111.19, the commission may find, where agreeable to all parties affected in any way  
6 thereby, an industry, trade or business comprising more than one employer in an  
7 association in any geographical area to be a “collective bargaining unit”. A collective  
8 bargaining unit thus established by the commission shall be subject to all rights by  
9 termination or modification given by ss. 111.01 to 111.19 in reference to collective  
10 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more  
11 collective bargaining units may bargain collectively through the same  
12 representative where a majority of the employees in each separate unit have voted  
13 by secret ballot as provided in s. 111.05 (2) so to do.

14 **SECTION 2404sd.** 111.02 (6) (am) of the statutes is repealed.

15 **SECTION 2404se.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,  
16 renumbered 111.02 (7) (a) and amended to read:

17 111.02 (7) (a) “Employer” means a person who engages the services of an  
18 employee, and includes all of the following: 1. A a person acting on behalf of an  
19 employer within the scope of his or her authority, express or implied.

20 **SECTION 2404sf.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

21 **SECTION 2404sg.** 111.02 (7) (b) 1. of the statutes is amended to read:

22 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political  
23 subdivision thereof.

24 **SECTION 2404sh.** 111.02 (7m) of the statutes is repealed.

25 **SECTION 2404sk.** 111.02 (9m) of the statutes is repealed.

1           **SECTION 2404skb.** 111.02 (10m) of the statutes is repealed.

2           **SECTION 2404skd.** 111.05 (2) of the statutes is amended to read:

3           111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a  
4           question arises concerning the determination of a collective bargaining unit as  
5           ~~defined in s. 111.02 (3),~~ it shall be determined by secret ballot, and the commission,  
6           upon request, shall cause the ballot to be taken in such manner as to show separately  
7           the wishes of the employees in any craft, division, department or plant as to the  
8           determination of the collective bargaining unit.

9           **SECTION 2404sL.** 111.05 (3g) of the statutes is repealed.

10          **SECTION 2404sLg.** 111.05 (5) of the statutes is repealed.

11          **SECTION 2404sLm.** 111.05 (6) of the statutes is repealed.

12          **SECTION 2404sLr.** 111.05 (7) of the statutes is repealed.

13          **SECTION 2404sm.** 111.06 (1) (c) 1. of the statutes is amended to read:

14          111.06 (1) (c) 1. To encourage or discourage membership in any labor  
15          organization, employee agency, committee, association or representation plan by  
16          discrimination in regard to hiring, tenure or other terms or conditions of employment  
17          except in a collective bargaining unit where an all-union, ~~fair-share or maintenance~~  
18          of membership agreement is in effect. ~~An employer is not prohibited from entering~~  
19          ~~into an all-union agreement with the voluntarily recognized representative of the~~  
20          employees in a collective bargaining unit, where at least a majority of such employees  
21          voting have voted affirmatively, by secret ballot, in favor of such all-union agreement  
22          in a referendum conducted by the commission, except that where the bargaining  
23          representative has been certified by either the commission or the national labor  
24          relations board as the result of a representation election, no referendum is required  
25          to authorize the entry into such an all-union agreement. Such authorization of an

1 ~~all-union agreement shall be deemed to continue thereafter, subject to the right of~~  
2 ~~either party to the all-union agreement to petition the commission to conduct a new~~  
3 ~~referendum on the subject. Upon receipt of such petition, the commission shall~~  
4 ~~determine whether there is reasonable ground to believe that the employees~~  
5 ~~concerned have changed their attitude toward the all-union agreement and upon so~~  
6 ~~finding the commission shall conduct a referendum. If the continuance of the~~  
7 ~~all-union agreement is supported on any such referendum by a vote at least equal~~  
8 ~~to that provided in this subdivision for its initial authorization, it may be continued~~  
9 ~~in force thereafter, subject to the right to petition for a further vote by the procedure~~  
10 ~~set forth in this subdivision. If the continuance of the all-union agreement is not~~  
11 ~~thus supported on any such referendum, it is deemed terminated at the termination~~  
12 ~~of the contract of which it is then a part or at the end of one year from the date of the~~  
13 ~~announcement by the commission of the result of the referendum, whichever is~~  
14 ~~earlier. The commission shall declare any all-union agreement terminated~~  
15 ~~whenever it finds that the labor organization involved has unreasonably refused to~~  
16 ~~receive as a member any employee of such employer, and each such all-union~~  
17 ~~agreement shall be made subject to this duty of the commission. Any person~~  
18 ~~interested may come before the commission as provided in s. 111.07 and ask the~~  
19 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~  
20 ~~made in accordance with the law in effect at the time it is made is valid.~~

21 **SECTION 2404sn.** 111.06 (1) (d) of the statutes is amended to read:

22 111.06 (1) (d) To refuse to bargain collectively with the representative of a  
23 majority of the employer's employees in any collective bargaining unit with respect  
24 to representation or terms and conditions of employment, except as provided under  
25 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with



1 the commission a petition requesting a determination as to majority representation,  
2 the employer shall not be deemed to have refused to bargain until an election has  
3 been held and the result thereof has been certified to the employer by the  
4 commission.

5 **SECTION 2404sp.** 111.06 (1) (i) of the statutes is amended to read:

6 111.06 (1) (i) To deduct labor organization dues or assessments from an  
7 employee's earnings, unless the employer has been presented with an individual  
8 order therefor, signed by the employee personally, and terminable at the end of any  
9 year of its life by the employee giving at least thirty days' written notice of such  
10 termination unless there is an all-union, ~~fair-share or maintenance of membership~~  
11 agreement in effect. The employer shall give notice to the labor organization of  
12 receipt of such notice of termination.

13 **SECTION 2404sq.** 111.06 (1) (m) of the statutes is repealed.

14 **SECTION 2404sr.** 111.06 (2) (i) of the statutes is amended to read:

15 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided  
16 in s. 111.115 (2) ~~or~~ (3).

17 **SECTION 2404srm.** 111.075 of the statutes is repealed.

18 **SECTION 2404st.** 111.115 (title) of the statutes is amended to read:

19 **111.115 (title) Notice of certain proposed lockouts or strikes.**

20 **SECTION 2401su.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,  
21 renumbered 111.115 (1) and amended to read:

22 111.115 (1) In this subsection: ~~(b) "Strike" section, "strike"~~ includes any  
23 concerted stoppage of work by employees, and any concerted slowdown or other  
24 concerted interruption of operations or services by employees, or any concerted

1 refusal of employees to work or perform their usual duties as employees, for the  
2 purpose of enforcing demands upon an employer.

3 **SECTION 2404sv.** 111.115 (1) (a) of the statutes is repealed.

4 **SECTION 2404sw.** 111.115 (2) of the statutes is repealed.

5 **SECTION 2404sx.** 111.17 (intro.) and (1) of the statutes are consolidated,  
6 renumbered 111.17 and amended to read:

7 **111.17 Conflict of provisions; effect.** Wherever the application of the  
8 provisions of other statutes or laws conflict with the application of the provisions of  
9 this subchapter, this subchapter shall prevail, except that: ~~(1) In in~~ any situation  
10 where the provisions of this subchapter cannot be validly enforced the provisions of  
11 such other statutes or laws shall apply.

12 **SECTION 2404sy.** 111.17 (2) of the statutes is repealed.”.

13 **81. Page 973, line 21:** delete the material beginning with that line and ending  
on page 975, line 8, and substitute:

14 **“SECTION 2405p.** 111.70 (1) (a) of the statutes is amended to read:

15 111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
16 obligation of a municipal employer, through its officers and agents, and the  
17 representative of its municipal employees in a collective bargaining unit, to meet and  
18 confer at reasonable times, in good faith, with the intention of reaching an  
19 agreement, or to resolve questions arising under such an agreement, with respect to  
20 wages, hours, and conditions of employment for public safety employees or transit  
21 employees and with respect to wages for general municipal employees, and with  
22 respect to a requirement of the municipal employer for a municipal employee to  
23 perform law enforcement and fire fighting services under s. 60.553, 61.66 and for a

1 school district with respect to any matter under sub. (4) (o), and for a school district  
2 with respect to any matter under sub. (4) (n), or 62.13 (2e), except as provided in subs.  
3 ~~(3m), (3p), and sub. (4) (m) (mb)~~ and (mc) and s. 40.81 (3) and except that a municipal  
4 employer shall not meet and confer with respect to any proposal to diminish or  
5 abridge the rights guaranteed to municipal any public safety employees under ch.  
6 164. Collective bargaining includes the reduction of any agreement reached to a  
7 written and signed document.

8 (3) (d) The duty to bargain, however, does not compel either party to agree to  
9 a proposal or require the making of a concession. Collective bargaining includes the  
10 reduction of any agreement reached to a written and signed document. The

11 (4) (p) Permissive subjects of collective bargaining: public safety and transit  
12 employees. A municipal employer shall is not be required to bargain with public  
13 safety employees or transit employees on subjects reserved to management and  
14 direction of the governmental unit except insofar as the manner of exercise of such  
15 functions affects the wages, hours, and conditions of employment of the municipal  
16 public safety employees or of the transit employees in a collective bargaining unit.  
17 In creating this subchapter the legislature recognizes that the municipal employer  
18 must exercise its powers and responsibilities to act for the government and good  
19 order of the jurisdiction which it serves, its commercial benefit and the health, safety,  
20 and welfare of the public to assure orderly operations and functions within its  
21 jurisdiction, subject to those rights secured to municipal employees by the  
22 constitutions of this state and of the United States and by this subchapter.

23 **SECTION 2406bg.** 111.70 (1) (b) of the statutes is amended to read:

24 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal  
25 employees who are school district employees or of municipal employees who are not

1 school district employees that is determined by the commission under sub. (4) (d) 2.  
2 a. to be appropriate for the purpose of collective bargaining.

3 **SECTION 2406br.** 111.70 (1) (cm) of the statutes is created to read:

4 111.70 (1) (cm) “Consumer price index change” means the average annual  
5 percentage change in the consumer price index for all urban consumers, U.S. city  
6 average, as determined by the federal department of labor, for the 12 months  
7 immediately preceding the current date.

8 **SECTION 2406cg.** 111.70 (1) (f) of the statutes is amended to read:

9 111.70 (1) (f) “Fair-share agreement” means an agreement between a  
10 municipal employer and a labor organization that represents public safety  
11 employees or transit employees under which all or any of the public safety employees  
12 or transit employees in the collective bargaining unit are required to pay their  
13 proportionate share of the cost of the collective bargaining process and contract  
14 administration measured by the amount of dues uniformly required of all members.  
15 ~~Such an agreement shall contain a provision requiring the employer to deduct the~~  
16 ~~amount of dues as certified by the labor organization from the earnings of the~~  
17 ~~employees affected by said agreement and to pay the amount so deducted to the labor~~  
18 ~~organization.~~

19 **SECTION 2406cr.** 111.70 (1) (fm) of the statutes is created to read:

20 111.70 (1) (fm) “General municipal employee” means a municipal employee  
21 who is not a public safety employee or a transit employee.

22 **SECTION 2406dg.** 111.70 (1) (j) of the statutes is amended to read:

23 111.70 (1) (j) “Municipal employer” means any city, county, village, town,  
24 metropolitan sewerage district, school district, long-term care district, transit  
25 authority ~~under s. 59.58 (7) or 66.1039,~~ local cultural arts district created under

1 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality  
2 of one or more political subdivisions of the state, that engages the services of an  
3 employee and includes any person acting on behalf of a municipal employer within  
4 the scope of the person's authority, express or implied, ~~but specifically does not~~  
5 ~~include a local cultural arts district created under subch. V of ch. 229.~~

6 **SECTION 2406dr.** 111.70 (1) (mm) of the statutes is created to read:

7 111.70 (1) (mm) "Public safety employee" means any municipal employee who  
8 is employed in a position that, on the effective date of this paragraph .... [LRB inserts  
9 date], is classified as a protective occupation participant under any of the following:

10 1. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.

11 2. A provision that is comparable to a provision under subd. 1. that is in a county  
12 or city retirement system.

13 **SECTION 2406fg.** 111.70 (1) (n) of the statutes is amended to read:

14 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission  
15 in which public safety employees or transit employees in a collective bargaining unit  
16 may cast a secret ballot on the question of authorizing a labor organization and the  
17 employer to continue a fair-share agreement. ~~Unless a majority of the eligible~~  
18 ~~employees vote in favor of the fair-share agreement, it shall be deemed terminated~~  
19 ~~and that portion of the collective bargaining agreement deemed null and void.~~

20 **SECTION 2406fr.** 111.70 (1) (nm) of the statutes is amended to read:

21 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work  
22 by municipal employees, and any concerted slowdown or other concerted  
23 interruption of operations or services by municipal employees, or any concerted  
24 refusal to work or perform their usual duties as municipal employees, for the purpose  
25 of enforcing demands upon a municipal employer. ~~Such conduct by municipal~~

1 employees which is not authorized or condoned by a labor organization constitutes  
2 a “strike”, but does not subject such labor organization to the penalties under this  
3 subchapter. This paragraph does not apply to collective bargaining units composed  
4 of municipal employees who are engaged in law enforcement or fire fighting  
5 functions.

6 **SECTION 2406gh.** 111.70 (1) (p) of the statutes is created to read:

7 111.70 (1) (p) “Transit employee” means a municipal employee who is  
8 determined to be a transit employee under sub. (4) (bm).

9 **SECTION 2406hg.** 111.70 (2) of the statutes is amended to read:

10 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the  
11 right of self-organization, and the right to form, join, or assist labor organizations,  
12 to bargain collectively through representatives of their own choosing, and to engage  
13 in lawful, concerted activities for the purpose of collective bargaining or other mutual  
14 aid or protection, and such employees shall. Municipal employees have the right to  
15 refrain from any and all such activities except that employees. A general municipal  
16 employee has the right to refrain from paying dues while remaining a member of a  
17 collective bargaining unit. A public safety employee or a transit employee, however,  
18 may be required to pay dues in the manner provided in a fair-share agreement.  
19 Such; a fair-share agreement covering a public safety employee or a transit  
20 employee must contain a provision requiring the municipal employer to deduct the  
21 amount of dues as certified by the labor organization from the earnings of the  
22 employee affected by the fair-share agreement and to pay the amount deducted to  
23 the labor organization. A fair-share agreement shall be covering a public safety  
24 employee or transit employee is subject to the right of the municipal employer or a  
25 labor organization to petition the commission to conduct a referendum. Such

petition must be supported by proof that at least 30% of the employees in the collective bargaining unit desire that the fair-share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the majority of the eligible employees, it shall ~~be deemed terminated~~ terminate. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed, or sex to receive as a member any public safety employee or transit employee of the municipal employer in the bargaining unit involved, and such agreement ~~shall be made~~ is subject to this duty of the commission. Any of the parties to such agreement or any municipal public safety employee or transit employee covered thereby by the agreement may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

**SECTION 2406hr.** 111.70 (3) (a) 3. of the statutes is amended to read:

111.70 (3) (a) 3. To encourage or discourage a membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment; but the prohibition shall not apply to a fair-share agreement that covers public safety employees or transit employees.

**SECTION 2406ig.** 111.70 (3) (a) 4. of the statutes is amended to read:

111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a majority of its employees in an appropriate collective bargaining unit. Such refusal ~~shall include~~ includes action by the employer to issue or seek to obtain contracts, including those provided for by statute, with individuals in the collective bargaining unit while collective bargaining, mediation, or fact-finding concerning the terms and conditions of a new collective bargaining agreement is in progress, unless such

1 individual contracts contain express language providing that the contract is subject  
2 to amendment by a subsequent collective bargaining agreement. Where the  
3 employer has a good faith doubt as to whether a labor organization claiming the  
4 support of a majority of its employees in an appropriate bargaining unit does in fact  
5 have that support, it may file with the commission a petition requesting an election  
6 to that claim. An employer shall not be deemed to have refused to bargain until an  
7 election has been held and the results thereof certified to the employer by the  
8 commission. The violation shall include, though not be limited thereby, to the refusal  
9 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~  
10 ~~any collective bargaining agreement covering municipal employees who are not~~  
11 ~~school district employees shall not exceed 3 years, and the term of any collective~~  
12 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

13 **SECTION 2406ir.** 111.70 (3) (a) 5. of the statutes is amended to read:

14 111.70 (3) (a) 5. To violate any collective bargaining agreement previously  
15 agreed upon by the parties with respect to wages, hours and conditions of  
16 employment affecting ~~municipal~~ public safety employees or transit employees,  
17 including an agreement to arbitrate questions arising as to the meaning or  
18 application of the terms of a collective bargaining agreement or to accept the terms  
19 of such arbitration award, where previously the parties have agreed to accept such  
20 award as final and binding upon them or to violate any collective bargaining  
21 agreement affecting general municipal employees, that was previously agreed upon  
22 by the parties with respect to wages.

23 **SECTION 2406pg.** 111.70 (3) (a) 6. of the statutes is amended to read:

24 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~  
25 supervisor's the earnings of a public safety employee or a transit employees, unless



1 the municipal employer has been presented with an individual order therefor, signed  
2 by the municipal employee personally, and terminable by at least the end of any year  
3 of its life or earlier by the ~~municipal~~ public safety employee or transit employee  
4 giving at least 30 days' written notice of such termination to the municipal employer  
5 and to the representative organization, except ~~where there is~~ when a fair-share  
6 agreement is in effect.

7 **SECTION 2406pr.** 111.70 (3) (a) 7. of the statutes is repealed.

8 **SECTION 2406prm.** 111.70 (3) (a) 7m. of the statutes is created to read:

9 111.70 (3) (a) 7m. To refuse or otherwise fail to implement an arbitration  
10 decision lawfully made under sub. (4) (cg).

11 **SECTION 2406rg.** 111.70 (3) (a) 9. of the statutes is amended to read:

12 111.70 (3) (a) 9. After If the collective bargaining unit contains a public safety  
13 employee or transit employee, after a collective bargaining agreement expires and  
14 before another collective bargaining agreement takes effect, to fail to follow any  
15 fair-share agreement in the expired collective bargaining agreement.

16 **SECTION 2406rr.** 111.70 (3) (b) 6. of the statutes is repealed.

17 **SECTION 2406rrm.** 111.70 (3) (b) 6m. of the statutes is created to read:

18 111.70 (3) (b) 6m. To refuse or otherwise fail to implement an arbitration  
19 decision lawfully made under sub. (4) (cg).

20 **SECTION 2406tg.** 111.70 (3g) of the statutes is created to read:

21 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not  
22 deduct labor organization dues from the earnings of a general municipal employee  
23 or supervisor.”.

24 **82.** [Page 975, line 18](#): after that line insert:

1           **“SECTION 2408db.** 111.70 (4) (L) of the statutes is amended to read:

2           111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~  
3           ~~6. c., nothing~~ Nothing contained in this subchapter constitutes a grant of the right  
4           to strike by any municipal employee or labor organization, and such strikes are  
5           hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~  
6           ~~injunction has been issued against such strike under sub. (7m).~~

7           **SECTION 2408dg.** 111.70 (4) (m) of the statutes is repealed.

8           **SECTION 2409bg.** 111.70 (4) (mb) of the statutes is created to read:

9           111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*  
10          The municipal employer is prohibited from bargaining collectively with a collective  
11          bargaining unit containing a general municipal employee with respect to any of the  
12          following:

13               1. Any factor or condition of employment except wages, which includes only  
14               total base wages and excludes any other compensation, which includes, but is not  
15               limited to, overtime, premium pay, merit pay, performance pay, supplemental  
16               compensation, pay schedules, and automatic pay progressions.

17               2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any  
18               proposal that does any of the following:

19                   a. If there is an increase in the consumer price index change, provides for total  
20                   base wages for authorized positions in the proposed collective bargaining agreement  
21                   that exceed the total base wages for authorized positions 180 days before the  
22                   expiration of the previous collective bargaining agreement by a greater percentage  
23                   than the consumer price index change.

24                   b. If there is a decrease or no change in the consumer price index change,  
25                   provides for any change in total base wages for authorized positions in the proposed

collective bargaining agreement from the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement.

**SECTION 2409br.** 111.70 (4) (mbb) of the statutes is created to read:

111.70 (4) (mbb) For purposes of determining compliance with par. (mb), the commission shall provide, upon request, to a municipal employer or to any representative of a collective bargaining unit containing a general municipal employee, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

**SECTION 2409cg.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.* (intro.) The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a public safety employee with respect to any of the following:”.

**83.** Page 975, line 19: after that line insert:

“**SECTION 2409cr.** 111.70 (4) (mc) 4. of the statutes is repealed.”.

**84.** Page 976, line 11: after that line insert:

“**SECTION 2409dg.** 111.70 (4) (n) and (o) of the statutes are repealed.

**SECTION 2409dr.** 111.70 (6) of the statutes is repealed.

**SECTION 2409eg.** 111.70 (7) of the statutes is repealed.

**SECTION 2409er.** 111.70 (7m) (b) of the statutes is repealed.

**SECTION 2409fg.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

111.70 (7m) (c) 1. a. Any labor organization that represents public safety employees or transit employees which violates sub. (4) (L) ~~shall be penalized by the suspension of~~ may not collect any dues ~~check-off~~ under a collective bargaining

1 agreement ~~and or under a fair-share agreement between the municipal employer~~  
2 ~~and such labor organization from any employee covered by either agreement~~ for a  
3 period of one year. At the end of the period of suspension, any such agreement shall  
4 be reinstated unless the labor organization is no longer authorized to represent the  
5 ~~municipal~~ public safety employees or transit employees covered by such ~~dues~~  
6 ~~check-off the collective bargaining agreement~~ or fair-share agreement or the  
7 agreement is no longer in effect.

8 **SECTION 2409fr.** 111.70 (7m) (c) 3. of the statutes is repealed.

9 **SECTION 2409gg.** 111.70 (7m) (e) and (f) of the statutes are repealed.

10 **SECTION 2409gr.** 111.70 (8) (a) of the statutes is amended to read:

11 111.70 (8) (a) This section, except ~~subs. (1) (nm), sub. (4) (cg) and (cm) and (7m),~~  
12 applies to law enforcement supervisors employed by a 1st class city. This section,  
13 except ~~subs. (1) (nm), sub. (4) (cm) and (jm) and (7m),~~ applies to law enforcement  
14 supervisors employed by a county having a population of 500,000 or more. For  
15 purposes of such application, the term terms "municipal employee" includes and  
16 "public safety employee" include such a supervisor.

17 **SECTION 2409hg.** 111.71 (2) of the statutes is amended to read:

18 111.71 (2) The commission shall assess and collect a filing fee for filing a  
19 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).  
20 The commission shall assess and collect a filing fee for filing a request that the  
21 commission act as an arbitrator to resolve a dispute involving the interpretation or  
22 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., (cg) 4., or  
23 (cm) 4. The commission shall assess and collect a filing fee for filing a request that  
24 the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall  
25 assess and collect a filing fee for filing a request that the commission act as a

mediator under s. 111.70 (4) (c) 1., (cg) 3., or (cm) 3. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(em)~~ (cg) 6. or (jm) or 111.77 (3). For the performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cg) 3., 4., and 6., (cm) 3., and 4. and 6., and (jm) and 111.77 (3), the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the dispute, the commission may not subsequently assess or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact-finding, mediation or arbitration. A complaint or request for fact-finding, mediation or arbitration is not filed until the date such fee or fees are paid, except that the failure of the respondent party to pay the filing fee for having the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(em)~~ (cg) 6. or (jm) or 111.77 (3) shall may not prohibit the commission from initiating such arbitration. The commission may initiate collection proceedings against the respondent party for the payment of

1 the filing fee. Fees collected under this subsection shall be credited to the  
2 appropriation account under s. 20.425 (1) (i).

3 **SECTION 2409hr.** 111.71 (4) of the statutes is repealed.

4 **SECTION 2409hrm.** 111.71 (4m) of the statutes is created to read:

5 111.71 (4m) The commission shall collect on a systematic basis information on  
6 the operation of the arbitration law under s. 111.70 (4) (cg). The commission shall  
7 report on the operation of the law to the legislature on an annual basis. The report  
8 shall be submitted to the chief clerk of each house of the legislature for distribution  
9 to the legislature under s. 13.172 (2).

10 **SECTION 2409ig.** 111.71 (5) of the statutes is repealed.

11 **SECTION 2409igm.** 111.71 (5m) of the statutes is created to read:

12 111.71 (5m) The commission shall, on a regular basis, provide training  
13 programs to prepare individuals for service as arbitrators or arbitration panel  
14 members under s. 111.70 (4) (cg). The commission shall engage in appropriate  
15 promotional and recruitment efforts to encourage participation in the training  
16 programs by individuals throughout the state, including at least 10 residents of each  
17 congressional district. The commission may also provide training programs to  
18 individuals and organizations on other aspects of collective bargaining, including on  
19 areas of management and labor cooperation directly or indirectly affecting collective  
20 bargaining. The commission may charge a reasonable fee for participation in the  
21 programs.

22 **SECTION 2409ir.** 111.77 (intro.) of the statutes is amended to read:

23 **111.77 Settlement of disputes in collective bargaining units composed**  
24 **of law enforcement personnel and fire fighters.** (intro.) In fire departments  
25 ~~and city and county law enforcement agencies municipal~~ Municipal employers and

employees public safety employees, as provided in sub. (8), have the duty to bargain collectively in good faith including the duty to refrain from strikes or lockouts and to comply with the ~~procedures set forth below~~ following.”.

**85. Page 976, line 20:** after that line insert:

“**SECTION 2409jg.** 111.77 (8) (a) of the statutes is amended to read:

111.77 (8) (a) This section applies to ~~law enforcement~~ public safety employees who are supervisors employed by a county having a population of 500,000 or more. For purposes of such application, the term “municipal employee” includes such a supervisor.

**SECTION 2409jn.** 111.77 (9) of the statutes is amended to read:

111.77 (9) Section 111.70 (4) (c) 3., (cg), and (cm) shall does not apply to employments covered by this section.

**SECTION 2409jr.** 111.80 of the statutes is repealed.

**SECTION 2409kg.** 111.81 (1) of the statutes is amended to read:

111.81 (1) “Collective bargaining” means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3), with respect to general employees, with the intention of reaching an agreement, or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

1           **SECTION 2409kr.** 111.81 (3h) of the statutes is repealed.

2           **SECTION 2409Lg.** 111.81 (3n) of the statutes is created to read:

3           111.81 **(3n)** “Consumer price index change” means the average annual  
4 percentage change in the consumer price index for all urban consumers, U.S. city  
5 average, as determined by the federal department of labor, for the 12 months  
6 immediately preceding the current date.”.

7           **86.** Page 977, line 4: after that line insert:

8           “**SECTION 2410bc.** 111.81 (7) (g) of the statutes is repealed.

9           “**SECTION 2410bcm.** 111.81 (9) of the statutes is amended to read:

10          111.81 **(9)** “Fair-share agreement” means an agreement between the employer  
11 and a labor organization representing public safety employees ~~or supervisors~~  
12 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~  
13 supervisors in a collective bargaining unit are required to pay their proportionate  
14 share of the cost of the collective bargaining process and contract administration  
15 measured by the amount of dues uniformly required of all members.

16          **SECTION 2410bd.** 111.81 (9g) of the statutes is created to read:

17          111.81 **(9g)** “General employee” means an employee who is not a public safety  
18 employee.

19          **SECTION 2410be.** 111.81 (9k) of the statutes is repealed.

20          **SECTION 2410bf.** 111.81 (12) (intro.) of the statutes is amended to read:

21          111.81 **(12)** (intro.) “Labor organization” means any employee organization  
22 whose purpose is to represent employees in collective bargaining with the employer,  
23 or its agents, on matters ~~pertaining to terms and conditions of employment~~ that are



1 subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but  
2 the term shall not include any organization:

3 **SECTION 2410bg.** 111.81 (12m) of the statutes is amended to read:

4 111.81 (12m) “Maintenance of membership agreement” means an agreement  
5 between the employer and a labor organization representing public safety employees  
6 or supervisors specified in s. 111.825 (5) which requires that all of the public safety  
7 employees or supervisors whose dues are being deducted from earnings under s.  
8 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to  
9 have dues deducted for the duration of the agreement, and that dues shall be  
10 deducted from the earnings of all public safety employees or supervisors who are  
11 hired on or after the effective date of the agreement.

12 **SECTION 2410bh.** 111.81 (15r) of the statutes is created to read:

13 111.81 (15r) “Public safety employee” means any individual under s. 40.02 (48)  
14 (am) 7. or 8.

15 **SECTION 2410bj.** 111.81 (16) of the statutes is amended to read:

16 111.81 (16) “Referendum” means a proceeding conducted by the commission in  
17 which public safety employees, or supervisors specified in s. 111.825 (5), in a  
18 collective bargaining unit may cast a secret ballot on the question of directing the  
19 labor organization and the employer to enter into a fair-share or maintenance of  
20 membership agreement or to terminate such an agreement.”.

21 **87.** [Page 977, line 5](#): delete the material beginning with that line and ending  
with page 978, line 19, and substitute:

22 **“SECTION 2410cb.** 111.815 (1) of the statutes is amended to read:

1           111.815 (1) In the furtherance of this subchapter, the state shall be considered  
2 as a single employer and employment relations policies and practices throughout the  
3 state service shall be as consistent as practicable. The office shall negotiate and  
4 administer collective bargaining agreements ~~except that the department of health~~  
5 ~~services, subject to the approval of the federal centers for medicare and medicaid~~  
6 ~~services to use collective bargaining as the method of setting rates for~~  
7 ~~reimbursement of home care providers, shall negotiate and administer collective~~  
8 ~~bargaining agreements entered into with the collective bargaining unit specified in~~  
9 ~~s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,~~  
10 ~~the office, or the department of health services with regard to collective bargaining~~  
11 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~  
12 ~~(2g), shall maintain close liaison with the legislature relative to the negotiation of~~  
13 ~~agreements and the fiscal ramifications of those agreements. Except with respect~~  
14 ~~to the collective bargaining units specified in s. 111.825 (1m), (2) (f), and (2g), the~~  
15 ~~office is responsible for the employer functions of the executive branch under this~~  
16 ~~subchapter, and shall coordinate its collective bargaining activities with operating~~  
17 ~~state agencies on matters of agency concern. The legislative branch shall act upon~~  
18 ~~those portions of tentative agreements negotiated by the office that require~~  
19 ~~legislative action. With respect to the collective bargaining units specified in s.~~  
20 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~  
21 ~~for the employer functions under this subchapter. With respect to the collective~~  
22 ~~bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter~~  
23 ~~school established by contract under s. 118.40 (2r) (em) (b) 1. e. is responsible for the~~  
24 ~~employer functions under this subchapter. With respect to the collective bargaining~~

1 unit specified in s. 111.825 (2g), the department of health services is responsible for  
2 the employer functions of the executive branch under this subchapter.

3 **SECTION 2410cc.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act  
4 10, and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

5 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
6 as a single employer and employment relations policies and practices throughout the  
7 state service shall be as consistent as practicable. The office shall negotiate and  
8 administer collective bargaining agreements. To coordinate the employer position  
9 in the negotiation of agreements, the office shall maintain close liaison with the  
10 legislature relative to the negotiation of agreements and the fiscal ramifications of  
11 those agreements. Except with respect to the collective bargaining units specified  
12 in s. 111.825 (2) (f), the office is responsible for the employer functions of the executive  
13 branch under this subchapter, and shall coordinate its collective bargaining  
14 activities with operating state agencies on matters of agency concern. The legislative  
15 branch shall act upon those portions of tentative agreements negotiated by the office  
16 that require legislative action. With respect to the collective bargaining units  
17 specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin  
18 System is responsible for the employer functions under this subchapter. With  
19 respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor  
20 of the University of Wisconsin-Madison is responsible for the employer functions  
21 under this subchapter. With respect to the collective bargaining unit specified in s.  
22 111.825 (1r) (ef), the governing board of the charter school established by contract  
23 under s. 118.40 (2r) (b) 1. e. is responsible for the employer functions under this  
24 subchapter. ~~With respect to the collective bargaining unit specified in s. 111.825 (2g),~~

1 ~~the department of health services is responsible for the employer functions of the~~  
2 ~~executive branch under this subchapter.~~

3 **SECTION 2410dc.** 111.815 (2) of the statutes is amended to read:

4 111.815 (2) The director of the office shall, together with the appointing  
5 authorities or their representatives, represent the state in its responsibility as an  
6 employer under this subchapter except with respect to negotiations in the collective  
7 bargaining units specified in s. 111.825 (1r) and (1t). The director of the office shall  
8 establish and maintain, wherever practicable, consistent employment relations  
9 policies and practices throughout the state service.

10 **SECTION 2410dd.** 111.82 of the statutes is amended to read:

11 **111.82 Rights of employees.** Employees shall have the right of  
12 self-organization and the right to form, join, or assist labor organizations, to bargain  
13 collectively through representatives of their own choosing under this subchapter,  
14 and to engage in lawful, concerted activities for the purpose of collective bargaining  
15 or other mutual aid or protection. Employees shall also have the right to refrain from  
16 any or all of such activities. A general employee has the right to refrain from paying  
17 dues while remaining a member of a collective bargaining unit.

18 **SECTION 2410de.** 111.825 (1) (intro.) of the statutes is amended to read:

19 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful  
20 collective bargaining, units must be structured in such a way as to avoid excessive  
21 fragmentation whenever possible. In accordance with this policy, collective  
22 bargaining units for employees in the classified service of the state, ~~except employees~~  
23 ~~in the collective bargaining units specified in sub. (1m),~~ are structured on a statewide  
24 basis with one collective bargaining unit for each of the following occupational  
25 groups:

1       **SECTION 2410df.** 111.825 (1) (g) of the statutes is created to read:

2       111.825 (1) (g) Public safety employees.

3       **SECTION 2410dg.** 111.825 (1m) of the statutes is repealed.”.

4       **88.** Page 981, line 3: delete lines 3 to 5 and substitute:

5       “**SECTION 2410jb.** 111.825 (2g) of the statutes is repealed.

6       **SECTION 2410jd.** 111.825 (3) of the statutes is amended to read:

7       111.825 (3) The commission shall assign employees to the appropriate  
8 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and (2g)~~.

9       **SECTION 2410je.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act  
10 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

11       111.825 (3) The commission shall assign employees to the appropriate  
12 collective bargaining units set forth in subs. (1), (1r), (1t), and (2).”.

13       **89.** Page 981, line 15: delete the material beginning with that line and ending  
with page 982, line 11, and substitute:

14       “**SECTION 2410m.** 111.825 (4) of the statutes is amended to read:

15       111.825 (4) Any labor organization may petition for recognition as the exclusive  
16 representative of a collective bargaining unit specified in sub. (1), ~~(1m)~~, or (2), ~~or (2g)~~  
17 in accordance with the election procedures set forth in s. 111.83, provided the petition  
18 is accompanied by a 30% showing of interest in the form of signed authorization  
19 cards. Each additional labor organization seeking to appear on the ballot shall file  
20 petitions within 60 days of the date of filing of the original petition and prove,  
21 through signed authorization cards, that at least 10% of the employees in the  
22 collective bargaining unit want it to be their representative.

1           **SECTION 2410mb.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act  
2 10, and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

3           111.825 (4) Any labor organization may petition for recognition as the exclusive  
4 representative of a collective bargaining unit specified in sub. (1), (1r), (1t), or (2) in  
5 accordance with the election procedures set forth in s. 111.83, provided the petition  
6 is accompanied by a 30% showing of interest in the form of signed authorization  
7 cards. Each additional labor organization seeking to appear on the ballot shall file  
8 petitions within 60 days of the date of filing of the original petition and prove,  
9 through signed authorization cards, that at least 10% of the employees in the  
10 collective bargaining unit want it to be their representative.

11           **SECTION 2410mo.** 111.825 (4m) of the statutes is repealed.

12           **SECTION 2410mp.** 111.825 (5) of the statutes is amended to read:

13           111.825 (5) Although supervisors are not considered employees for purposes  
14 of this subchapter, the commission may consider a petition for a statewide collective  
15 bargaining unit of professional supervisors or a statewide unit of nonprofessional  
16 supervisors in the classified service, but the representative of supervisors may not  
17 be affiliated with any labor organization representing employees. For purposes of  
18 this subsection, affiliation does not include membership in a national, state, county  
19 or municipal federation of national or international labor organizations. The  
20 certified representative of supervisors who are not public safety employees may not  
21 bargain collectively with respect to any matter other than wages and fringe benefits  
22 as provided in s. 111.91 (3), and the certified representative of supervisors who are  
23 public safety employees may not bargain collectively with respect to any matter other  
24 than wages and fringe benefits as provided in s. 111.91 (1).

25           **SECTION 2410n.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

1           **SECTION 2410np.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin  
2 Act 10, and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

3           111.825 **(6)** (a) The commission shall assign only an employee of the  
4 department of administration, department of transportation, University of  
5 Wisconsin–Madison, or board of regents of the University of Wisconsin System who  
6 engages in the detection and prevention of crime, who enforces the laws and who is  
7 authorized to make arrests for violations of the laws; an employee of the department  
8 of administration, department of transportation, University of Wisconsin–Madison,  
9 or board of regents of the University of Wisconsin System who provides technical law  
10 enforcement support to such employees; and an employee of the department of  
11 transportation who engages in motor vehicle inspection or operator’s license  
12 examination to a collective bargaining unit under sub. (1) (cm), (1r) (cm), or (1t) (cm),  
13 whichever is appropriate.

14           **SECTION 2410nt.** 111.825 (6) (b) of the statutes is created to read:

15           111.825 **(6)** (b) The commission may assign only a public safety employee to the  
16 collective bargaining unit under sub. (1) (g).”.

17           **90.** [Page 982, line 19](#): after that line insert:

18           **“SECTION 2410ob.** 111.83 (1) of the statutes is amended to read:

19           111.83 **(1)** Except as provided in subs. sub. (5) and ~~(5m)~~, a representative  
20 chosen for the purposes of collective bargaining by a majority of the employees voting  
21 in a collective bargaining unit shall be the exclusive representative of all of the  
22 employees in such unit for the purposes of collective bargaining. Any individual  
23 employee, or any minority group of employees in any collective bargaining unit, may  
24 present grievances to the employer in person, or through representatives of their own

1 choosing, and the employer shall confer with said employee or group of employees in  
2 relation thereto if the majority representative has been afforded the opportunity to  
3 be present at the conference. Any adjustment resulting from such a conference may  
4 not be inconsistent with the conditions of employment established by the majority  
5 representative and the employer.

6 **SECTION 2410od.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

7 **SECTION 2410oe.** 111.83 (3) (b) of the statutes is created to read:

8 111.83 (3) (b) Annually, no later than December 1, the commission shall  
9 conduct an election to certify the representative of a collective bargaining unit that  
10 contains a general employee. There shall be included on the ballot the names of all  
11 labor organizations having an interest in representing the general employees  
12 participating in the election. The commission may exclude from the ballot one who,  
13 at the time of the election, stands deprived of his or her rights under this subchapter  
14 by reason of a prior adjudication of his or her having engaged in an unfair labor  
15 practice. The commission shall certify any representative that receives at least 51  
16 percent of the votes of all of the general employees in the collective bargaining unit.  
17 If no representative receives at least 51 percent of the votes of all of the general  
18 employees in the collective bargaining unit, at the expiration of the collective  
19 bargaining agreement, the commission shall decertify the current representative  
20 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if  
21 a representative is decertified under this paragraph, the affected general employees  
22 may not be included in a substantially similar collective bargaining unit for 12  
23 months from the date of decertification. The commission's certification of the results  
24 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The  
25 commission shall assess and collect a certification fee for each election conducted



1 under this paragraph. Fees collected under this paragraph shall be credited to the  
2 appropriation account under s. 20.425 (1) (i).

3 **SECTION 2410of.** 111.83 (4) of the statutes is amended to read:

4 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which  
5 the name of more than one proposed representative appears on the ballot and results  
6 in no conclusion, the commission may, if requested by any party to the proceeding  
7 within 30 days from the date of the certification of the results of the election, conduct  
8 a runoff election. In that runoff election, the commission shall drop from the ballot  
9 the name of the representative who received the least number of votes at the original  
10 election. The commission shall drop from the ballot the privilege of voting against  
11 any representative if the least number of votes cast at the first election was against  
12 representation by any named representative.”.

13 **91.** Page 983, line 20: after that line insert:

14 “SECTION 2410rd. 111.83 (5m) of the statutes is repealed.”.

15 **92.** Page 984, line 7: delete lines 7 to 15 and substitute:

16 “SECTION 2410tb. 111.84 (1) (b) of the statutes is amended to read:

17 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,  
18 create, dominate or interfere with the formation or administration of any labor or  
19 employee organization or contribute financial support to it. Except as provided in  
20 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin  
21 retirement system under ch. 40 and no action by the employer that is authorized by  
22 such a law constitutes a violation of this paragraph unless an applicable collective  
23 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)  
24 specifically prohibits the change or action. No such change or action affects the

1 continuing duty to bargain collectively with a collective bargaining unit under s.  
2 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent  
3 required by s. 111.91 (1). It is not an unfair labor practice for the employer to  
4 reimburse an employee at his or her prevailing wage rate for the time spent during  
5 the employee's regularly scheduled hours conferring with the employer's officers or  
6 agents and for attendance at commission or court hearings necessary for the  
7 administration of this subchapter. Professional supervisory or craft personnel may  
8 maintain membership in professional or craft organizations; however, as members  
9 of such organizations they shall be prohibited from those activities related to  
10 collective bargaining in which the organizations may engage.

11 **SECTION 2410**tbm.**** 111.84 (1) (d) of the statutes is amended to read:

12 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91  
13 (1) or (3), whichever is appropriate, with a representative of a majority of its  
14 employees in an appropriate collective bargaining unit. Where the employer has a  
15 good faith doubt as to whether a labor organization claiming the support of a majority  
16 of its employees in appropriate collective bargaining unit does in fact have that  
17 support, it may file with the commission a petition requesting an election as to that  
18 claim. It is not deemed to have refused to bargain until an election has been held and  
19 the results thereof certified to it by the commission. A violation of this paragraph  
20 includes, but is not limited to, the refusal to execute a collective bargaining  
21 agreement previously orally agreed upon.

22 **SECTION 2410**tc.**** 111.84 (1) (f) of the statutes is amended to read:

23 111.84 (1) (f) To deduct labor organization dues from ~~an employee's~~ the  
24 earnings of a public safety employee, unless the employer has been presented with  
25 an individual order therefor, signed by the public safety employee personally, and

1 terminable by at least the end of any year of its life or earlier by the public safety  
2 employee giving at least 30 but not more than 120 days' written notice of such  
3 termination to the employer and to the representative labor organization, except if  
4 there is a fair-share or maintenance of membership agreement in effect. The  
5 employer shall give notice to the labor organization of receipt of such notice of  
6 termination.

7 **SECTION 2410td.** 111.84 (2) (c) of the statutes is amended to read:

8 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
9 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the  
10 employer which is the recognized or certified exclusive collective bargaining  
11 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
12 bargaining unit or with the certified exclusive collective bargaining representative  
13 of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (j) in an appropriate collective  
14 bargaining unit. Such refusal to bargain shall include, but not be limited to, the  
15 refusal to execute a collective bargaining agreement previously orally agreed upon.

16 **SECTION 2410td.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin  
17 Act 10, and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

18 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
19 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the  
20 employer which is the recognized or certified exclusive collective bargaining  
21 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective  
22 bargaining unit or with the certified exclusive collective bargaining representative  
23 of employees specified in s. 111.81 (7) (ar) to (j) in an appropriate collective bargaining  
24 unit. Such refusal to bargain shall include, but not be limited to, the refusal to  
25 execute a collective bargaining agreement previously orally agreed upon.

1           **SECTION 2410te.** 111.84 (3) of the statutes is amended to read:

2           111.84 (3) It is an unfair labor practice for any person to do or cause to be done  
3 on behalf of or in the interest of employers or employees, or in connection with or to  
4 influence the outcome of any controversy as to employment relations, any act  
5 prohibited by ~~subs.~~ sub. (1) and or (2).

6           **SECTION 2410tf.** 111.845 of the statutes is created to read:

7           **111.845 Wage deduction prohibition.** The employer may not deduct labor  
8 organization dues from a general employee's earnings.

9           **SECTION 2410tg.** 111.85 (1), (2) and (4) of the statutes are amended to read:

10          111.85 (1) (a) No fair-share or maintenance of membership agreement  
11 covering public safety employees may become effective unless authorized by a  
12 referendum. The commission shall order a referendum whenever it receives a  
13 petition supported by proof that at least 30% of the public safety employees ~~or~~  
14 ~~supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit desire that a  
15 fair-share or maintenance of membership agreement be entered into between the  
16 employer and a labor organization. A petition may specify that a referendum is  
17 requested on a maintenance of membership agreement only, in which case the ballot  
18 shall be limited to that question.

19          (b) For a fair-share agreement to be authorized, at least two-thirds of the  
20 eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in  
21 favor of the agreement. For a maintenance of membership agreement to be  
22 authorized, at least a majority of the eligible public safety employees ~~or supervisors~~  
23 voting in a referendum shall vote in favor of the agreement. In a referendum on a  
24 fair-share agreement, if less than two-thirds but more than one-half of the eligible

1 ~~public safety~~ employees ~~or supervisors~~ vote in favor of the agreement, a maintenance  
2 of membership agreement is authorized.

3 (c) If a fair-share or maintenance of membership agreement is authorized in  
4 a referendum, the employer shall enter into such an agreement with the labor  
5 organization named on the ballot in the referendum. Each fair-share or  
6 maintenance of membership agreement shall contain a provision requiring the  
7 employer to deduct the amount of dues as certified by the labor organization from the  
8 earnings of the ~~public safety~~ employees ~~or supervisors~~ affected by the agreement and  
9 to pay the amount so deducted to the labor organization. Unless the parties agree  
10 to an earlier date, the agreement shall take effect 60 days after certification by the  
11 commission that the referendum vote authorized the agreement. The employer shall  
12 be held harmless against any claims, demands, suits and other forms of liability  
13 made by ~~public safety~~ employees ~~or supervisors~~ or local labor organizations which  
14 may arise for actions taken by the employer in compliance with this section. All such  
15 lawful claims, demands, suits and other forms of liability are the responsibility of the  
16 labor organization entering into the agreement.

17 (d) Under each fair-share or maintenance of membership agreement, ~~an a~~  
18 ~~public safety~~ employee ~~or supervisor~~ who has religious convictions against dues  
19 payments to a labor organization based on teachings or tenets of a church or religious  
20 body of which he or she is a member shall, on request to the labor organization, have  
21 his or her dues paid to a charity mutually agreed upon by the ~~public safety~~ employee  
22 ~~or supervisor~~ and the labor organization. Any dispute concerning this paragraph  
23 may be submitted to the commission for adjudication.

24 **(2)** (a) Once authorized, a fair-share or maintenance of membership  
25 agreement covering public safety employees shall continue in effect, subject to the

1 right of the employer or labor organization concerned to petition the commission to  
2 conduct a new referendum. Such petition must be supported by proof that at least  
3 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit  
4 desire that the fair-share or maintenance of membership agreement be  
5 discontinued. Upon so finding, the commission shall conduct a new referendum. If  
6 the continuance of the fair-share or maintenance of membership agreement is  
7 approved in the referendum by at least the percentage of eligible voting public safety  
8 employees ~~or supervisors~~ required for its initial authorization, it shall be continued  
9 in effect, subject to the right of the employer or labor organization to later initiate a  
10 further vote following the procedure prescribed in this subsection. If the  
11 continuation of the agreement is not supported in any referendum, it is deemed  
12 terminated at the termination of the collective bargaining agreement, or one year  
13 from the date of the certification of the result of the referendum, whichever is earlier.

14 (b) The commission shall declare any fair-share or maintenance of  
15 membership agreement suspended upon such conditions and for such time as the  
16 commission decides whenever it finds that the labor organization involved has  
17 refused on the basis of race, color, sexual orientation or creed to receive as a member  
18 any public safety employee ~~or supervisor~~ in the collective bargaining unit involved,  
19 and the agreement shall be made subject to the findings and orders of the  
20 commission. Any of the parties to the agreement, or any public safety employee ~~or~~  
21 supervisor covered thereby, may come before the commission, as provided in s.  
22 111.07, and petition the commission to make such a finding.

23 (4) The commission may, under rules adopted for that purpose, appoint as its  
24 agent an official of a state agency whose public safety employees are entitled to vote  
25 in a referendum to conduct a referendum provided for herein.”.

1           **93. Page 985, line 1:** delete lines 1 to 8 and substitute:

2           “**SECTION 2424eg.** 111.90 (2) of the statutes is amended to read:

3           111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state  
4           agency; hire, promote, transfer, assign or retain employees in positions within the  
5           agency; and in that regard establish reasonable work rules.

6           **SECTION 2424er.** 111.905 of the statutes is repealed.

7           **SECTION 2424fg.** 111.91 (1) (a) of the statutes is amended to read:

8           111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~ (d), with regard to a collective  
9           bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to  
10          the point of impasse are wage rates, consistent with sub. (2), the assignment and  
11          reassignment of classifications to pay ranges, determination of an incumbent’s pay  
12          status resulting from position reallocation or reclassification, and pay adjustments  
13          upon temporary assignment of classified public safety employees to duties of a higher  
14          classification or downward reallocations of a classified public safety employee’s  
15          position; fringe benefits consistent with sub. (2); hours and conditions of  
16          employment.

17          **SECTION 2424fr.** 111.91 (1) (am) of the statutes is repealed.

18          **SECTION 2424gg.** 111.91 (1) (b) of the statutes is amended to read:

19          111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a  
20          collective bargaining unit under s. 111.825 (1) (g) on management rights under s.  
21          111.90, except that procedures for the adjustment or settlement of grievances or  
22          disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall  
23          be a subject of bargaining.

24          **SECTION 2424gr.** 111.91 (1) (c) of the statutes is amended to read:

111.91 (1) (c) The employer is prohibited from bargaining with a collective bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

**SECTION 2424hg.** 111.91 (1) (cg) of the statutes is repealed.

**SECTION 2424hr.** 111.91 (1) (cm) of the statutes is amended to read:

111.91 (1) (cm) Except as provided in sub. (2) ~~(g) and (h)~~ and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40 and all actions of the employer that are authorized under any such law which apply to nonrepresented individuals employed by the state shall apply to similarly situated public safety employees, unless otherwise specifically provided in a collective bargaining agreement that applies to those the public safety employees.

**SECTION 2424ig.** 111.91 (1) (d) of the statutes is amended to read:

111.91 (1) (d) Demands In the case of a collective bargaining unit under s. 111.825 (1) (g), demands relating to retirement and group insurance shall be submitted to the employer at least one year prior to commencement of negotiations.

**SECTION 2424ir.** 111.91 (1) (e) of the statutes is repealed.

**SECTION 2424jg.** 111.91 (2) (intro.) of the statutes is amended to read:

111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:.

**94.** [Page 985, line 15](#): after that line insert:

**“SECTION 2424jr.** 111.91 (2) (gu) of the statutes is amended to read:

111.91 (2) (gu) The right of an a public safety employee, who is an employee, as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company,



1 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined  
2 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

3 **SECTION 2425g.** 111.91 (2c) of the statutes is repealed.

4 **SECTION 2425p.** 111.91 (3) of the statutes is created to read:

5 111.91 (3) The employer is prohibited from bargaining with a collective  
6 bargaining unit containing a general employee with respect to any of the following:

7 (a) Any factor or condition of employment except wages, which includes only  
8 total base wages and excludes any other compensation, which includes, but is not  
9 limited to, overtime, premium pay, merit pay, performance pay, supplemental  
10 compensation, pay schedules, and automatic pay progressions.

11 (b) Unless the electors in a statewide referendum approve a total base wages  
12 increase that exceeds the total base wages expenditure described in this paragraph,  
13 any proposal that does any of the following:

14 1. If there is an increase in the consumer price index change, provides for total  
15 base wages for authorized positions in the proposed collective bargaining agreement  
16 that exceed the total base wages for authorized positions 180 days before the  
17 expiration of the previous collective bargaining agreement by a greater percentage  
18 than the consumer price index change.

19 2. If there is a decrease or no change in the consumer price index change,  
20 provides for any change in total base wages for authorized positions in the proposed  
21 collective bargaining agreement from the total base wages for authorized positions  
22 180 days before the expiration of the previous collective bargaining agreement.

23 **SECTION 2425s.** 111.91 (3q) of the statutes is created to read:

24 111.91 (3q) For purposes of determining compliance with sub. (3), the  
25 commission shall provide, upon request, to the employer or to any representative of

1 a collective bargaining unit containing a general employee, the consumer price index  
2 change during any 12-month period. The commission may get the information from  
3 the department of revenue.”.

4 **95.** [Page 986, line 1](#): delete the material beginning with that line and ending  
with page 987, line 17, and substitute:

5 “**SECTION 2426gb.** 111.92 (1) (a) of the statutes is amended to read:

6 111.92 (1) (a) Any tentative agreement reached between the office,~~or, as~~  
7 ~~provided in s. 111.815 (1), the department of health services, acting for the state, and~~  
8 any labor organization representing a collective bargaining unit specified in s.  
9 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor  
10 organization, be submitted by the office ~~or department of health services~~ to the joint  
11 committee on employment relations, which shall hold a public hearing before  
12 determining its approval or disapproval. If the committee approves the tentative  
13 agreement, it shall introduce in a bill or companion bills, to be put on the calendar  
14 or referred to the appropriate scheduling committee of each house, that portion of the  
15 tentative agreement which requires legislative action for implementation, such as  
16 salary and wage adjustments, changes in fringe benefits, and any proposed  
17 amendments, deletions or additions to existing law. Such bill or companion bills are  
18 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,  
19 however, submit suitable portions of the tentative agreement to appropriate  
20 legislative committees for advisory recommendations on the proposed terms. The  
21 committee shall accompany the introduction of such proposed legislation with a  
22 message that informs the legislature of the committee’s concurrence with the  
23 matters under consideration and which recommends the passage of such legislation

1 without change. If the joint committee on employment relations does not approve  
2 the tentative agreement, it shall be returned to the parties for renegotiation. If the  
3 legislature does not adopt without change that portion of the tentative agreement  
4 introduced by the joint committee on employment relations, the tentative agreement  
5 shall be returned to the parties for renegotiation.

6 **SECTION 2426gh.** 111.92 (1) (a) of the statutes, as affected by 2011 Wisconsin  
7 Act 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

8 111.92 (1) (a) 1. Any tentative agreement reached between the office and any  
9 labor organization representing a collective bargaining unit specified in s. 111.825  
10 (1) or (2) (d) or (e) shall, after official ratification by the labor organization, be  
11 submitted by the office to the joint committee on employment relations, which shall  
12 hold a public hearing before determining its approval or disapproval.

13 4. If the committee approves a tentative agreement under subd. 1., 2., or 3., it  
14 shall introduce in a bill or companion bills, to be put on the calendar or referred to  
15 the appropriate scheduling committee of each house, that portion of the tentative  
16 agreement which requires legislative action for implementation, such as salary and  
17 wage adjustments, changes in fringe benefits, and any proposed amendments,  
18 deletions or additions to existing law. Such bill or companion bills are not subject to  
19 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit  
20 suitable portions of the tentative agreement to appropriate legislative committees  
21 for advisory recommendations on the proposed terms. The committee shall  
22 accompany the introduction of such proposed legislation with a message that informs  
23 the legislature of the committee's concurrence with the matters under consideration  
24 and which recommends the passage of such legislation without change. If the joint  
25 committee on employment relations does not approve the tentative agreement, it

1 shall be returned to the parties for renegotiation. If the legislature does not adopt  
2 without change that portion of the tentative agreement introduced by the joint  
3 committee on employment relations, the tentative agreement shall be returned to  
4 the parties for renegotiation.

5 **SECTION 2426L.** 111.92 (1) (a) 2. and 3. of the statutes are created to read:

6 111.92 (1) (a) 2. Any tentative agreement reached between the Board of  
7 Regents of the University of Wisconsin System, acting for the state, and any labor  
8 organization representing a collective bargaining unit specified in s. 111.825 (1r)  
9 shall, after official ratification by the labor organization, be submitted by the Board  
10 of Regents of the University of Wisconsin System to the joint committee on  
11 employment relations, which shall hold a public hearing before determining its  
12 approval or disapproval.

13 3. Any tentative agreement reached between the University of  
14 Wisconsin-Madison, acting for the state, and any labor organization representing a  
15 collective bargaining unit specified in s. 111.825 (1t) shall, after official ratification  
16 by the labor organization and approval by the Board of Regents of the University of  
17 Wisconsin System, be submitted by the University of Wisconsin-Madison to the joint  
18 committee on employment relations, which shall hold a public hearing before  
19 determining its approval or disapproval.

20 **SECTION 2426m.** 111.92 (1) (b) of the statutes is repealed.”.

21 **96.** [Page 987, line 24:](#) after that line insert:

22 “**SECTION 2426q.** 111.92 (2m) of the statutes is repealed.

23 **SECTION 2426r.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and  
24 amended to read:

1           111.92 (3) (a) Agreements covering a collective bargaining unit specified under  
2 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

3           **SECTION 2426s.** 111.92 (3) (b) of the statutes is created to read:

4           111.92 (3) (b) No agreements covering a collective bargaining unit containing  
5 a general employee may be for a period that exceeds one year, and each agreement  
6 must coincide with the fiscal year. Agreements covering a collective bargaining unit  
7 containing a general employee may not be extended.”.

8           **97.** Page 987, line 25: delete the material beginning with that line and ending  
with page 988, line 9, and substitute:

9           **“SECTION 2426t.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and  
10 amended to read:

11           111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)  
12 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

13           (a) If a collective bargaining agreement exists between the employer and a  
14 labor organization representing employees in a collective bargaining unit under s.  
15 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of  
16 civil service and other applicable statutes, as well as rules and policies of the ~~board~~  
17 ~~of regents~~ Board of Regents of the University of Wisconsin System, related to wages,  
18 fringe benefits, hours, and conditions of employment whether or not the matters  
19 contained in those statutes, rules, and policies are set forth in the collective  
20 bargaining agreement.

21           **SECTION 2426tb.** 111.93 (3) (a) of the statutes, as affected by 2011 Wisconsin  
22 Act 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

1           111.93 (3) (a) If a collective bargaining agreement exists between the employer  
2           and a labor organization representing employees in a collective bargaining unit  
3           under s. 111.825 (1) (g), the provisions of that agreement shall supersede the  
4           provisions of civil service and other applicable statutes, as well as rules and policies  
5           of the University of Wisconsin–Madison and the Board of Regents of the University  
6           of Wisconsin System, related to wages, fringe benefits, hours, and conditions of  
7           employment whether or not the matters contained in those statutes, rules, and  
8           policies are set forth in the collective bargaining agreement.

9           **SECTION 2426u.** 111.93 (3) (b) of the statutes is created to read:

10          111.93 (3) (b) If a collective bargaining agreement exists between the employer  
11          and a labor organization representing general employees in a collective bargaining  
12          unit, the provisions of that agreement shall supersede the provisions of civil service  
13          and other applicable statutes, as well as rules and policies of the Board of Regents  
14          of the University of Wisconsin System and rules and policies of the Board of Trustees  
15          of the University of Wisconsin–Madison, related to wages, whether or not the  
16          matters contained in those statutes, rules, and policies are set forth in the collective  
17          bargaining agreement.”.

18          **98.** [Page 988, line 17](#): after that line insert:

19          **“SECTION 2431p.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes  
20          is repealed.”.

21          101.**99.** [Page 995, line 7](#): after that line insert:

22          **“SECTION 2487g.** 118.22 (4) of the statutes is repealed.

23          **SECTION 2487i.** 118.223 of the statutes is created to read:

1           **118.223 Collective bargaining.** Except as provided under subch. IV of ch.  
2           111, no school board may collectively bargain with its employees.

3           **SECTION 2487k.** 118.23 (5) of the statutes is repealed.

4           **SECTION 2487n.** 118.245 of the statutes is created to read:

5           **118.245 Referendum; increase in employee wages. (1)** If a school board  
6           wishes to increase the total base wages of its employees in an amount that exceeds  
7           the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that  
8           effect. The resolution shall specify the amount by which the proposed total base  
9           wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may  
10          not take effect unless it is approved in a referendum called for that purpose. The  
11          referendum shall occur in April for collective bargaining agreements that begin in  
12          July of that year. The results of a referendum apply to the total base wages only in  
13          the next collective bargaining agreement.

14          **(2)** The question submitted in the referendum shall be substantially as follows:  
15          “Shall the employees in the .... [school district] receive a total increase on wages from  
16          \$....[current total base wages] to \$....[proposed total base wages], which is a  
17          percentage wage increase that is .... [x] percent higher than the percent of the  
18          consumer price index increase, for a total percentage increase in wages of .... [x]?””.

19          **100.** [Page 1002, line 19](#): after that line insert:

20          **“SECTION 2507ag.** 118.42 (3) (a) 4. of the statutes is amended to read:

21          118.42 **(3)** (a) 4. Implement changes in administrative and personnel  
22          structures ~~that are consistent with applicable collective bargaining agreements.~~

23          **SECTION 2507ak.** 118.42 (5) of the statutes is amended to read:

1           118.42 (5) Nothing in this section alters or otherwise affects the rights or  
2 remedies afforded school districts and school district employees under federal or  
3 state law ~~or under the terms of any applicable collective bargaining agreement.~~".

4           **101.** [Page 1045, line 19](#): delete the material beginning with that line and  
ending with page 1046, line 3, and substitute:

5           "SECTION 2533b. 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act  
6 10, is repealed and recreated to read:

7           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
8 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
9 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,  
10 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.16,  
11 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c)  
12 to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.46,  
13 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g),  
14 (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and  
15 120.25 are applicable to a 1st class city school district and board."

16           **102.** [Page 1057, line 6](#): after that line insert:

17           "SECTION 2558m. 120.12 (15) of the statutes is amended to read:

18           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
19 school day. The school board may differentiate between the various elementary and  
20 high school grades in scheduling the school day. The equivalent of 180 such days, as  
21 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~  
22 ~~not be construed to eliminate a school district's duty to bargain with the employee's~~



collective bargaining representative over any calendaring proposal which is primarily related to wages, hours and conditions of employment.

**SECTION 2559p.** 120.18 (1) (gm) of the statutes is amended to read:

120.18 (1) (gm) Payroll and related benefit costs for all school district employees in the previous school year. ~~Costs~~ Payroll costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees and the school district and the representative have been required to submit final offers under s. 111.70 (4) (em) 6., increased costs limited to the lower of the school district's offer or the representative's offer shall be of wages reflected in the report shall be equal to the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees. The school district shall amend the annual report to reflect any change in such costs as a result of any award or settlement under s. 111.70 (4) (em) 6. collective bargaining agreement entered into between the date of filing the report and October 1. Any such amendment shall be concurred in by the certified public accountant licensed or certified under ch. 442 certifying the school district audit.”.

**103.** Page 1111, line 17: after that line insert:

“**SECTION 2648b.** 146.59 of the statutes is repealed.”.

**104.** Page 1146, line 3: after that line insert:

“**SECTION 2751d.** 230.01 (3) of the statutes is amended to read:

1           230.01 (3) Nothing in this chapter shall be construed to either infringe upon  
2 or supersede the rights guaranteed state employees under subch. V ~~or~~ VI of ch. 111.”.

3           **105.** Page 1146, line 4: before that line insert:

4           “**SECTION 2751dm.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act  
5 7, is amended to read:

6           230.03 (3) “Agency” means any board, commission, committee, council, or  
7 department in state government or a unit thereof created by the constitution or  
8 statutes if such board, commission, committee, council, department, unit, or the  
9 head thereof, is authorized to appoint subordinate staff by the constitution or  
10 statute, except a legislative or judicial board, commission, committee, council,  
11 department, or unit thereof or an authority created under subch. II of ch. 114 or  
12 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.  
13 “Agency” does not mean any local unit of government or body within one or more local  
14 units of government that is created by law or by action of one or more local units of  
15 government.”.

16           **106.** Page 1146, line 5: delete: “7, is amended” and substitute “10 and 2011  
Wisconsin Act ... (this act), is repealed and recreated”.

17           **107.** Page 1146, line 10: delete “the Board of Regents of the University of  
Wisconsin System,” and substitute “the Board of Regents of the University of  
Wisconsin System,”.

18           **108.** Page 1146, line 13: delete “52,”.

19           **109.** Page 1147, line 2: after that line insert:

20           “**SECTION 2751mb.** 230.04 (16) of the statutes is amended to read:

230.04 (16) The director may appoint either a deputy director or an executive  
assistant outside the classified service.

**SECTION 2751mk.** 230.046 (10) (a) of the statutes is amended to read:

230.046 (10) (a) Conduct off-the-job employee development and training  
programs relating to functions under this chapter or subch. V or VI of ch. 111.”.

**110.** Page 1147, line 5: after that line insert:

**SECTION 2753d.** 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — 14 12.

**SECTION 2753g.** 230.08 (2) (e) 2. of the statutes is amended to read:

230.08 (2) (e) 2. Agriculture, trade and consumer protection — 6 9.

**SECTION 2753k.** 230.08 (2) (e) 2m. of the statutes is amended to read:

230.08 (2) (e) 2m. Children and families — 5 8.”.

**111.** Page 1147, line 6: after that line insert:

“**SECTION 2753mp.** 230.08 (2) (e) 3e. of the statutes is amended to read:

230.08 (2) (e) 3e. Corrections — 4 7.”.

**112.** Page 1147, line 8: after that line insert:

“**SECTION 2754g.** 230.08 (2) (e) 4f. of the statutes is amended to read:

230.08 (2) (e) 4f. Financial institutions — 3 5.

**SECTION 2754r.** 230.08 (2) (e) 5. of the statutes is amended to read:

230.08 (2) (e) 5. Health services — 6 9.”.

**113.** Page 1147, line 11: after that line insert:

“**SECTION 2755g.** 230.08 (2) (e) 7. of the statutes is amended to read:

230.08 (2) (e) 7. Justice — 3 5.

**SECTION 2755i.** 230.08 (2) (e) 8. of the statutes is amended to read:

230.08 (2) (e) 8. Natural resources — 7 10.

**SECTION 2755k.** 230.08 (2) (e) 8h. of the statutes is created to read:

230.08 (2) (e) 8h. Office of the commissioner of insurance — 2.

**SECTION 2755n.** 230.08 (2) (e) 8j. of the statutes is created to read:

230.08 (2) (e) 8j. Office of state employment relations — 3.

**SECTION 2755p.** 230.08 (2) (e) 9m. of the statutes is amended to read:

230.08 (2) (e) 9m. Public service commission — 5 8.”.

**114.** [Page 1147, line 12](#): after that line insert:

“**SECTION 2756p.** 230.08 (2) (e) 11. of the statutes is amended to read:

230.08 (2) (e) 11. Revenue — 4 7.”.

**115.** [Page 1147, line 14](#): after that line insert:

“**SECTION 2757g.** 230.08 (2) (e) 12. of the statutes is amended to read:

230.08 (2) (e) 12. Transportation — 6 9.

**SECTION 2757r.** 230.08 (2) (e) 15. of the statutes is created to read:

230.08 (2) (e) 15. Tourism — 1.”.

**116.** [Page 1148, line 5](#): after that line insert:

“**SECTION 2760p.** 230.08 (2) (ya) of the statutes is amended to read:

230.08 (2) (ya) The director, deputy director, and executive assistant to the director of the office of state employment relations ~~in the department of administration.~~”.

**117.** [Page 1148, line 10](#): delete lines 10 to 20 and substitute:

“**SECTION 2763b.** 230.08 (4) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is repealed and recreated to read:

1           230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
2 includes all administrator positions specifically authorized by law to be employed  
3 outside the classified service in each department, board or commission and the  
4 historical society, and any other managerial position determined by an appointing  
5 authority. In this paragraph, “department” has the meaning given under s. 15.01 (5),  
6 “board” means the educational communications board, government accountability  
7 board, investment board, public defender board and technical college system board  
8 and “commission” means the employment relations commission and the public  
9 service commission. Notwithstanding sub. (2) (z), no division administrator position  
10 exceeding the number authorized in sub. (2) (e) may be created in the unclassified  
11 service.”.

12           **118.** [Page 1148, line 24](#): delete “is amended” and substitute “, as affected by  
2011 Wisconsin Act 10, is repealed and recreated”.

13           **119.** [Page 1149, line 1](#): delete lines 1 to 20 and substitute:

14           “230.09 (2) (g) When filling a new or vacant position, if the director determines  
15 that the classification for a position is different than that provided for by the  
16 legislature as established by law or in budget determinations, or as authorized by the  
17 joint committee on finance under s. 13.10, or as specified by the governor creating  
18 positions under s. 16.505 (1) (c) or (2), or is different than that of the previous  
19 incumbent, the director shall notify the administrator and the secretary of  
20 administration. The administrator shall withhold action on the selection and  
21 certification process for filling the position. The secretary of administration shall  
22 review the position to determine that sufficient funds exist for the position and that  
23 the duties and responsibilities of the proposed position reflect the intent of the

1 legislature as established by law or in budget determinations, the intent of the joint  
2 committee on finance acting under s. 13.10, the intent of the governor creating  
3 positions under s. 16.505 (1) (c) or (2). The administrator may not proceed with the”.  
4 selection and certification process until the secretary of administration has  
5 authorized the position to be filled.

6 **120.** Page 1149, line 20: after that line insert:

7 **SECTION 2763r.** 230.10 (1) of the statutes is amended to read:

8 230.10 (1) Except as provided under sub. (2), the compensation plan provisions  
9 of s. 230.12 apply to all employees of the classified service, ~~unless they are covered~~  
10 ~~by a collective bargaining agreement under subch. V of ch. 111 and the unclassified~~  
11 ~~service, unless otherwise excluded under s. 230.12 (1) (a) 1. b. If an employee is~~  
12 ~~covered under a collective bargaining agreement under subch. V of ch. 111, the~~  
13 ~~compensation plan provisions of s. 230.12 apply to that employee, except for those~~  
14 ~~provisions relating to matters that are subject to bargaining under a collective~~  
15 ~~bargaining agreement that covers the employee.”.~~

16 **121.** Page 1150, line 22: after that line insert:

17 **“SECTION 2764bg.** 230.12 (1) (h) of the statutes is created to read:

18 230.12 (1) (h) *Other pay, benefits, and working conditions.* The compensation  
19 plan may include other provisions relating to pay, benefits, and working conditions  
20 that shall supersede the provisions of the civil service and other applicable statutes  
21 and rules promulgated by the director and the administrator.

22 **SECTION 2764br.** 230.12 (3) (a) of the statutes is amended to read:

23 230.12 (3) (a) *Submission to the joint committee on employment relations.* The  
24 director shall submit to the joint committee on employment relations a proposal for

1 any required changes in the compensation plan ~~which may include across the board~~  
2 ~~pay adjustments for positions in the classified service.~~ The proposal shall include the  
3 amounts and methods for within range pay progression, for pay transactions, and for  
4 performance awards. The proposal shall be based upon experience in recruiting for  
5 the service, the principle of providing pay equity regardless of gender or race, data  
6 collected as to rates of pay for comparable work in other public services and in  
7 commercial and industrial establishments, recommendations of agencies and any  
8 special studies carried on as to the need for any changes in the compensation plan  
9 to cover each year of the biennium. The proposal shall also take proper account of  
10 prevailing pay rates, costs and standards of living and the state's employment  
11 policies.

12 **SECTION 2764bt.** 230.12 (3) (b) of the statutes is amended to read:

13 230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The director  
14 shall submit the proposal for any required changes in the compensation plan to the  
15 joint committee on employment relations. The committee shall hold a public hearing  
16 on the proposal. The proposal, as may be modified by the joint committee on  
17 employment relations together with the unchanged provisions of the current  
18 compensation plan, shall, for the ensuing fiscal year or until a new or modified plan  
19 is adopted under this subsection, constitute the state's compensation plan ~~for~~  
20 ~~positions in the classified service.~~ Any modification of the director's proposed  
21 changes in the compensation plan by the joint committee on employment relations  
22 may be disapproved by the governor within 10 calendar days. A vote of 6 members  
23 of the joint committee on employment relations is required to set aside any such  
24 disapproval of the governor.”.

**122.** Page 1151, line 3: after that line insert:

**“SECTION 2764dg.** 230.12 (3) (e) 1. of the statutes is amended to read:

230.12 (3) (e) 1. The director, after receiving recommendations from the board of regents, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V or VI of ch. 111 for which a representative is certified. The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups 1 and 2 established under s. 20.923 (4g). The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit



1 and adjustments other than across-the-board pay adjustments is available for  
2 discretionary use by the board of regents.”.

3 **123.** Page 1151, line 4: delete the material beginning with that line and  
ending with page 1152, line 4 and substitute:

4 “SECTION **2764dh.** 230.12 (3) (e) 1. of the statutes, as affected by 2011  
5 Wisconsin Act 10 and 2011 Wisconsin Act .... (this act), is repealed and recreated to  
6 read:

7 230.12 (3) (e) 1. The director, after receiving recommendations from the board  
8 of regents and the chancellor of the University of Wisconsin–Madison, shall submit  
9 to the joint committee on employment relations a proposal for adjusting  
10 compensation and employee benefits for University of Wisconsin System employees.  
11 The proposal shall be based upon the competitive ability of the board of regents to  
12 recruit and retain qualified faculty and academic staff, data collected as to rates of  
13 pay for comparable work in other public services, universities and commercial and  
14 industrial establishments, recommendations of the board of regents and any special  
15 studies carried on as to the need for any changes in compensation and employee  
16 benefits to cover each year of the biennium. The proposal shall also take proper  
17 account of prevailing pay rates, costs and standards of living and the state’s  
18 employment policies. The proposal for such pay adjustments may contain  
19 recommendations for across-the-board pay adjustments, merit or other  
20 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
21 shall apply to the process for approval of all pay adjustments for such employees. The  
22 proposal as approved by the joint committee on employment relations and the  
23 governor shall be based upon a percentage of the budgeted salary base for such

employees. The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.”.

**124.** Page 1152, line 13: after that line insert:

“**SECTION 2764wb.** 230.24 (4) of the statutes is created to read:

230.24 (4) An appointing authority may reassign an employee in a career executive position to a career executive position in any agency if the appointing authority in the agency to which the employee is to be reassigned approves of the reassignment.

**SECTION 2764wd.** 230.29 (1) of the statutes is renumbered 230.29 and amended to read:

**230.29 Transfers.** ~~Subject to sub. (2), a~~ A transfer may be made from one position to another only if specifically authorized by the administrator.

**SECTION 2764wf.** 230.29 (2) of the statutes is repealed.”.

**125.** Page 1153, line 9: delete lines 9 to 19 and substitute:

“**SECTION 2766h.** 230.34 (1) (ar) of the statutes is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more, ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized or certified, or for employees specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is certified, if a collective bargaining agreement is in effect covering employees in the collective bargaining unit, the determination of just cause and all aspects of the~~

1 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~  
2 ~~agreement.~~

3 **SECTION 2766k.** 230.34 (1) (ax) of the statutes is created to read:

4 230.34 (1) (ax) 1. Notwithstanding pars. (a), (am), and (ar), during a state of  
5 emergency declared by the governor under s. 323.10, an appointing authority may  
6 discharge any employee who does any of the following:

7 a. Fails to report to work as scheduled for any 3 working days during the state  
8 of emergency and the employee's absences from work are not approved leaves of  
9 absence.

10 b. Participates in a strike, work stoppage, sit-down, stay-in, slowdown, or  
11 other concerted activities to interrupt the operations or services of state government,  
12 including specifically participation in purported mass resignations or sick calls.

13 2. Engaging in any action under subd. 1. constitutes just cause for discharge.

14 3. Before discharging an employee, the appointing authority shall provide the  
15 employee notice of the action and shall furnish to the employee in writing the reasons  
16 for the action. The appointing authority shall provide the employee an opportunity  
17 to respond to the reasons for the discharge.

18 **SECTION 2766m.** 230.35 (1s) of the statutes is amended to read:

19 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
20 by the board of regents of the University of Wisconsin System who provide services  
21 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
22 determined by the governing board of the charter school established by contract  
23 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
24 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement  
25 under subch. V of ch. 111 covering the instructional staff.

**SECTION 2766p.** 230.35 (2d) (e) of the statutes is amended to read:

230.35 **(2d)** (e) For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V ~~or~~ VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

**SECTION 2766s.** 230.35 (3) (e) 6. of the statutes is amended to read:

230.35 **(3)** (e) 6. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V ~~or~~ VI of ch. 111, this paragraph shall apply unless otherwise provided in a collective bargaining agreement.”.

**126.** [Page 1153, line 24](#): after that line insert:

“**SECTION 2767p.** 230.88 (2) (b) of the statutes is amended to read:

230.88 **(2)** (b) No collective bargaining agreement supersedes the rights of an employee under this subchapter. However, nothing in this subchapter affects any right of an employee to pursue a grievance procedure under a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111, and if the division of equal rights determines that a grievance arising under such a collective bargaining agreement involves the same parties and matters as a complaint under s. 230.85, it shall order the arbitrator’s final award on the merits conclusive as to the rights of the parties to the complaint, on those matters determined in the arbitration which were at issue and upon which the determination necessarily depended.”.

**127.** [Page 1158, line 15](#): after that line insert:

“**SECTION 2795g.** 233.02 (1) (h) of the statutes is repealed.

**SECTION 2795r.** 233.02 (8) of the statutes is amended to read:

1           233.02 (8) The members of the board of directors shall annually elect a  
2           chairperson and may elect other officers as they consider appropriate. Eight ~~voting~~  
3           members of the board of directors constitute a quorum for the purpose of conducting  
4           the business and exercising the powers of the authority, notwithstanding the  
5           existence of any vacancy. The members of the board of directors specified under sub.  
6           (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995  
7           Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote  
8           of a majority of the members present, unless the bylaws of the authority require a  
9           larger number.

10           **SECTION 2796p.** 233.03 (7) of the statutes is amended to read:

11           233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section  
12           9159 (4) ~~and the duty to engage in collective bargaining with employees in a collective~~  
13           ~~bargaining unit for which a representative is recognized or certified under subch. I~~  
14           ~~of ch. 111,~~ employ any agent, employee or special advisor that the authority finds  
15           necessary and fix his or her compensation and provide any employee benefits,  
16           including an employee pension plan.

17           **SECTION 2798p.** 233.04 (2) of the statutes is amended to read:

18           233.04 (2) Subject to subs. (4) to (4r) and s. 233.10, develop and implement a  
19           personnel structure and other employment policies for employees of the authority.

20           **SECTION 2799p.** 233.04 (4) of the statutes is repealed.

21           **SECTION 2800p.** 233.04 (4m) of the statutes is repealed.

22           **SECTION 2800s.** 233.04 (4r) of the statutes is repealed.

23           **SECTION 2812br.** 233.10 (1) of the statutes is amended to read:

24           233.10 (1) ~~Subject to s. 233.04 (4) to (4r) and 1995 Wisconsin Act 27, section~~  
25           ~~9159 (2) and (4), the~~ The authority shall employ such employees as it may require

1 and shall determine the qualifications and duties of its employees. Appointments  
2 to and promotions in the authority shall be made according to merit and fitness.

3 **SECTION 2812cr.** 233.10 (2) (intro.) of the statutes is amended to read:

4 233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 and the duty  
5 to engage in collective bargaining with employees in a collective bargaining unit for  
6 which a representative is recognized or certified under subch. I of ch. 111, the  
7 authority shall establish any of the following:

8 **SECTION 2812dr.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

9 233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub.~~ (4), “carry-over  
10 employee” means an employee of the authority who satisfies all of the following:

11 **SECTION 2812er.** 233.10 (3) (b) of the statutes is repealed.

12 **SECTION 2812fr.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

13 233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee  
14 and is an employee to whom par. (b) does not apply, the authority shall, when setting  
15 the terms of the carry-over employee’s employment during the period beginning on  
16 June 29, 1996, and ending on June 30, 1997, do all of the following:

17 **SECTION 2812gr.** 233.10 (3) (d) of the statutes is amended to read:

18 233.10 (3) (d) If an employee of the authority is not a carry-over employee and  
19 is an employee to whom par. (b) does not apply, the authority shall, from June 29,  
20 1996, to June 30, 1997, provide that employee the same rights, benefits and  
21 compensation provided to a carry-over employee under par. (c) who holds a position  
22 at the authority with similar duties.

23 **SECTION 2812hg.** 233.10 (3m) of the statutes is repealed.”.

24 **128.** [Page 1193, line 12](#): after that line insert:

1           **“SECTION 2927h.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin  
2 Act 7, is amended to read:

3           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
4 233, 234, 237, or 238.”.

5           **129.** [Page 1197, line 18](#): after that line insert:

6           **“SECTION 2952m.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin  
7 Act 7, is amended to read:

8           285.59 (1) (b) “State agency” means any office, department, agency, institution  
9 of higher education, association, society, or other body in state government created  
10 or authorized to be created by the constitution or any law which is entitled to expend  
11 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
12 Housing and Economic Development Authority, the Bradley Center Sports and  
13 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
14 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
15 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic  
16 Development Corporation, and the Wisconsin Health and Educational Facilities  
17 Authority.”.

18           **130.** [Page 1371, line 3](#): after that line insert:

19           **“SECTION 3474k.** 704.31 (3) of the statutes is amended to read:

20           704.31 (3) This section does not apply to a lease to which a local professional  
21 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~  
22 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.”.

23           **131.** [Page 1375, line 24](#): after that line insert:

24           **“SECTION 3492p.** 851.71 (4) of the statutes is amended to read:

1           851.71 (4) In counties having a population of 500,000 or more, the appointment  
2           under subs. (1) and (2) shall be made as provided in those subsections but the judges  
3           shall not remove the register in probate and deputy registers, except through charges  
4           for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~  
5           ~~bargaining agreement.~~".

6           **132.** Page 1379, line 18: after that line insert:

7           "SECTION 3508v. 904.085 (2) (a) of the statutes is amended to read:

8           904.085 (2) (a) "Mediation" means mediation under s. 93.50 (3), conciliation  
9           under s. 111.54, mediation under s. 111.11, 111.70 (4) (cg) or (cm) 3. or 111.87,  
10          mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655  
11          or s. 767.405, or any similar statutory, contractual or court-referred process  
12          facilitating the voluntary resolution of disputes. "Mediation" does not include  
13          binding arbitration or appraisal."

14          **133.** Page 1399, line 6: after that line insert:

15          "SECTION 3561p. 978.12 (1) (c) of the statutes is amended to read:

16          978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
17          employed outside the classified service. For purposes of salary administration, the  
18          director of the office of state employment relations shall establish one or more  
19          classifications for assistant district attorneys in accordance with the classification  
20          or classifications allocated to assistant attorneys general. Except as provided in s.  
21          111.93 (3) (b), the salaries of assistant district attorneys shall be established and  
22          adjusted in accordance with the state compensation plan for assistant attorneys  
23          general whose positions are allocated to the classification or classifications  
24          established by the director of the office of state employment relations."



1           **134.** [Page 1401, line 24](#): after that line insert:

2           “(1q) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS  
3           COMMISSION. The department of administration shall evaluate the staffing  
4           requirements of the Wisconsin employment relations commission and shall submit  
5           the report of the evaluation to the joint committee on finance under section 13.10 of  
6           the statutes.”.

7           **135.** [Page 1445, line 8](#): after that line insert:

8           “(1dr) STATE EMPLOYEE HEALTH CARE COVERAGE. Notwithstanding section 40.05  
9           (4) (ag) and (c) of the statutes, as affected by this act, beginning with health insurance  
10          premiums paid in any month that begins after the effective date of this subsection,  
11          as determined by the secretary of administration, and ending with coverage for  
12          December 2011, all of the following shall apply:

13          (a) Employees covered under section 40.05 (4) (ag) 2. of the statutes, as affected  
14          by this act, shall pay \$84 a month for individual coverage and \$208 a month for family  
15          coverage for health care coverage under any plan offered in the tier with the lowest  
16          employee premium cost under section 40.51 (6) of the statutes; \$122 a month for  
17          individual coverage and \$307 a month for family coverage for health care coverage  
18          under any plan offered in the tier with the next lowest employee premium cost under  
19          section 40.51 (6) of the statutes; and \$226 a month for individual coverage and \$567  
20          a month for family coverage for health care coverage under any plan offered in the  
21          tier with the highest employee premium cost under section 40.51 (6) of the statutes.

22          (b) Eligible employees covered under section 40.02 (25) (b) 2. of the statutes,  
23          as affected by this act, shall pay 50 percent of the amounts required for employees  
24          under paragraph (a).

1 (c) Employees covered under section 40.05 (4) (ag) 1. of the statutes, as affected  
2 by this act, and craft employees, as defined in section 111.81 (4) of the statutes, and  
3 related nonrepresented employees shall pay the same amounts that they are  
4 required to pay on the day before the effective date of this paragraph.

5 (1hr) EMPLOYER AND EMPLOYEE REQUIRED CONTRIBUTIONS FOR 2011.  
6 Notwithstanding the employer and employee required contributions rates  
7 established for 2011 under section 40.05 (1) and (2), 2009 stats., beginning on the first  
8 day of any pay period after the effective date of this subsection, as determined by the  
9 secretary of administration, the employee required contributions under section  
10 40.05 (1) (a) of the statutes, as affected by this act, shall be in effect for the remainder  
11 of 2011, and the employer required contributions under section 40.05 (2) of the  
12 statutes shall be adjusted to reflect the increases in employee required contributions  
13 for the remainder of 2011.

14 (1mr) AGREEMENTS TO MODIFY GROUP INSURANCE COVERAGE FOR STATE EMPLOYEES.  
15 Section 40.03 (6) (c) of the statutes shall not apply to any agreements entered into  
16 by the group insurance board to modify group insurance coverage for the 2012 and  
17 2013 calendar years.

18 (1pr) REDUCTIONS IN HEALTH CARE PREMIUM COSTS FOR HEALTH CARE COVERAGE  
19 DURING 2012 CALENDAR YEAR. The group insurance board shall design health care  
20 coverage plans for the 2012 calendar year that, after adjusting for any inflationary  
21 increase in health benefit costs, as determined by the group insurance board, reduces  
22 the average premium cost of plans offered in the tier with the lowest employee  
23 premium cost under section 40.51 (6) of the statutes by at least 5 percent from the  
24 cost of such plans offered during the 2011 calendar year. The group insurance board  
25 shall include copayments in the health care coverage plans for the 2012 calendar

1 year and may require health risk assessments for state employees and participation  
2 in wellness or disease management programs.”.

3 **136.** Page 1459, line 4: delete “2011”.

4 **137.** Page 1459, line 5: delete lines 5 to 7 and substitute “SECTIONS 9315 (1q)  
and (2q) and 9332 (1q) of this act. The memorandum of understanding”.

5 **138.** Page 1459, line 21: delete the material beginning with “2011” and ending  
with “legislation.” on line 24 and substitute “SECTIONS 9315 (1q) and (2q) and 9332  
(1q) of this act.”.

6 **139.** Page 1460, line 7: after that line insert:

7 “(1q) UNION REPRESENTATIVE CERTIFICATION VOTE.

8 (a) In this subsection:

9 1. “General municipal employee” has the meaning given in section 111.70 (1)  
10 (fm) of the statutes, as created by this act.

11 2. “School district employee” has the meaning given in section 111.70 (1) (ne)  
12 of the statutes.

13 (b) Each collective bargaining unit under subchapter IV of chapter 111 of the  
14 statutes, as affected by this act, containing general municipal employees who are  
15 subject to an extension of their collective bargaining agreement shall have their  
16 collective bargaining agreement terminated as soon as legally possible and shall vote  
17 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.  
18 of the statutes, as created by this act. Notwithstanding the date provided under  
19 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, the vote shall be held  
20 in the 3rd month beginning after the effective date of this paragraph.”.

21 **140.** Page 1477, line 2: after that line insert:

1           “(1q) COMPENSATION FOR REPRESENTED STATE EMPLOYEES. Upon termination of  
2 any collective bargaining agreement between the state and a labor organization  
3 representing employees in a collective bargaining unit under section 111.825 (1) or  
4 (2) of the statutes, as affected by this act, the director of the office of state employment  
5 relations may continue to administer those provisions of the collective bargaining  
6 agreements that the director determines necessary for the orderly administration of  
7 the state civil services system until the compensation plan under section 230.12 of  
8 the statutes is established for the 2011-13 fiscal biennium.”.

9           **141.** [Page 1488, line 6](#): after that line insert:

10           “(1q) TERMINATION OF CONTRACTUAL SERVICES AGREEMENT. On the effective date  
11 of this subsection any contractual services agreement between the University of  
12 Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals  
13 and Clinics Authority under section 233.04 (4) of the statutes is terminated.

14           (2q) TRANSFER OF EMPLOYEES TO UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS  
15 AUTHORITY. On the effective date of this subsection, all employees of the University  
16 of Wisconsin Hospitals and Clinics Board are transferred to the University of  
17 Wisconsin Hospitals and Clinics Authority. The University of Wisconsin Hospitals  
18 and Clinics Authority shall adhere to the terms of any collective bargaining  
19 agreement covering the employees that is in force on the effective date of this  
20 subsection, including specifically terms relating to employer payment of any  
21 employee required contributions under the Wisconsin Retirement System and  
22 employer payment of any health insurance premiums on behalf of employees. Upon  
23 termination of the collective bargaining agreement, the University of Wisconsin

Hospitals and Clinics Authority shall establish the compensation and benefits of the employees under section 233.10 (2) of the statutes.”.

**142.** Page 1496, line 2: delete lines 2 to 19.

**143.** Page 1498, line 2: after that line insert:

“(3q) UNION REPRESENTATIVE CERTIFICATION VOTE.

(a) In this subsection, “general employee” has the meaning given in section 111.81 (9g) of the statutes, as created by this act.

(b) Each collective bargaining unit under subchapter V of chapter 111 of the statutes, as affected by this act, containing general employees shall vote to certify or decertify their representatives as provided in section 111.83 (3) (b) of the statutes, as created by this act. Notwithstanding the date provided under section 111.83 (3) (b) of the statutes, as created by this act, the vote shall be held in the 3rd month beginning after the effective date of this paragraph.

(3r) WAGE INCREASE FOR INITIAL COLLECTIVE BARGAINING AGREEMENT.

(a) In this subsection:

1. “Consumer price index change” has the meaning given in section 111.81 (3n) of the statutes, as created by this act.

2. “General employee” has the meaning given in section 111.81 (9g) of the statutes, as created by this act.

(b) Notwithstanding section 111.91 (3) (b) of the statutes, as created by this act, in the first collective bargaining agreement that it negotiates after the effective date of this paragraph with each collective bargaining unit containing a general employee, the state is prohibited from bargaining with respect to a proposal that does any of the following:

1           1. If there is an increase in the consumer price index change, provides for total  
2 base wages for authorized positions in the proposed collective bargaining agreement  
3 that exceed the total base wages for authorized positions 180 days before July 1,  
4 2011, by a greater percentage than the consumer price index change.

5           2. If there is a decrease or no change in the consumer price index change,  
6 provides for any change in total base wages for authorized positions in the proposed  
7 collective bargaining agreement from the total base wages for authorized positions  
8 180 days before July 1, 2011.

9           (4q) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL  
10 PROPERTY, AND CONTRACTS.

11           (a) On the effective date of this paragraph, the assets and liabilities of the  
12 Wisconsin Quality Home Care Authority shall become the assets and liabilities of the  
13 department of health services.

14           (b) On the effective date of this paragraph, all tangible personal property,  
15 including records, of the Wisconsin Quality Home Care Authority is transferred to  
16 the department of health services.

17           (c) All contracts entered into by the Wisconsin Quality Home Care Authority  
18 in effect on the effective date of this paragraph remain in effect and are transferred  
19 to the department of health services. The department of health services shall carry  
20 out any obligations under such a contract until the contract is modified or rescinded  
21 by the department of health services to the extent allowed under the contract.”.

22           **144.** [Page 1511, line 4](#): after that line insert:

23           “(1q) HEALTH CARE COVERAGE PREMIUMS. The treatment of sections 40.02 (25) (b)  
24 2., 40.05 (4) (ag), (ar), and (c), 40.51 (7), and 40.52 (3) of the statutes and SECTION 9115

(1q) of this act first apply to employees who are covered by a collective bargaining agreement that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(2q) PAYMENT OF EMPLOYEE REQUIRED CONTRIBUTIONS. The treatment of sections 13.111 (2), 40.02 (27), 40.05 (1) (a) (intro.), 1., 2., 3., and 4. and (b), (2m), and (2n), 40.32 (1), 59.875, 62.623, and 66.0518 of the statutes and SECTION 9115 (2q) of this act first apply to employees who are covered by a collective bargaining agreement that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(3q) CALCULATION OF ANNUITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

(a) Except as provided in paragraph (b), for elected officials, as defined in section 40.02 (24) of the statutes, and for any public officer holding a term of office subject to article IV, section 26 (2) of the constitution, who are participating employees in the Wisconsin retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first applies to creditable service that is performed on the first day of a term of office that begins after the effective date of this paragraph.

(b) For supreme court justices, court of appeals judges, and circuit court judges, who are participating employees in the Wisconsin retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first applies to creditable service that is performed on the day on which the next supreme court justice, court of appeals judge, or circuit court judge assumes office after the effective date of this paragraph.”.

**145.** [Page 1514, line 5](#): after that line insert:

“(1q) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508, 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), (nm) and (p), (2), (3) (a) 3., 4., 5., 6., 7., 7m., and 9. and (b) 6. and 6m., (3g), (3m), (3p), (4) (intro.), (bm), (c) (title), 1., 2. a. and b., 3., and 4., (cg), (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7m., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mbb), (mc) (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a), 111.71 (2), (4), (4m), (5), and (5m), 111.77 (intro.), (8) (a) and (9), 118.22 (4), 118.223, 118.23 (5), 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 851.71 (4) and 904.085 (2) (a) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes, and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees who are covered by a collective bargaining agreement under subchapter IV of chapter 111 of the statutes that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.”.

**146.** [Page 1522, line 9](#): after that line insert:

“(1q) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

(a) The treatment of sections 16.705 (3), 20.921 (1) (a) 2. and (b), 73.03 (68), 111.80, 111.81 (1), (3h), (3n), (7) (g), (9), (9g), (9k), (12) (intro.), (12m), (15r), and (16), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b), (d), and (f), (2) (c), and (3), 111.845, 111.85 (1), (2), (4), and (5), 111.90 (2), 111.905, 111.91 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b) and (2m),



1 118.40 (2r) (b) 3., 146.59, 230.10 (1), 230.34 (1) (ar), 230.35 (1s), and 978.12 (1) (c) of  
2 the statutes, the renumbering of sections 111.825 (6) and 111.83 (3) of the statutes,  
3 the renumbering and amendment of sections 111.92 (3) and 111.93 (3) of the statutes,  
4 and the creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92 (3) (b), and 111.93  
5 (3) (b) of the statutes first apply to employees who are covered by a collective  
6 bargaining agreement under subchapter V of chapter 111 of the statutes that  
7 contains provisions inconsistent with those sections on the day on which the  
8 agreement expires or is terminated, extended, modified, or renewed, whichever  
9 occurs first.

10 (b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96, 16.50  
11 (3) (e), 16.705 (3), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and  
12 (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and  
13 (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c), 40.02 (25) (b) 8., 40.05  
14 (4) (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95 (1)  
15 (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) (intro.), 1., 2., 3., and 4. and (b) 1., (7m), (9m),  
16 and (10m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2)  
17 (i), 111.075, 111.115 (title), (1) (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2),  
18 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2)  
19 (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.),  
20 (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m) and subchapter VI of chapter 111 of  
21 the statutes first applies to employees who are covered by a collective bargaining  
22 agreement under subchapter I or VI of chapter 111 of the statutes that contains  
23 provisions inconsistent with those sections on the day on which the agreement  
24 expires or is terminated, extended, modified, or renewed, whichever occurs first.”.

1           **147.** Page 1526, line 20: after that line insert:

2           “(1q) GRIEVANCE PROCEDURE; COLLECTIVE BARGAINING. The treatment of section  
3           66.0509 (1m) of the statutes takes effect on the first day of the 4th month beginning  
4           after publication.”.

5           **148.** Page 1531, line 4: delete lines 4 to 18 and substitute:

6           “(1bq) UNIVERSITY OF WISCONSIN. The treatment of sections 16.705 (1r) (d) and  
7           (e), 16.71 (1m) (by SECTION 241f) and (4), 16.72 (8), 16.73 (5), 16.78 (1), 16.993 (7),  
8           19.42 (13) (b), (c), and (cm), 19.45 (11) (a) and (b), 20.865 (1) (c), (ci) (by SECTION  
9           775Lm), (i), (ic) (by SECTION 775rm), (s), and (si) (by SECTION 775ym), 20.916 (10),  
10          20.923 (4g), (5), (6) (Lm) and (m), (14) (b), (15) (b), and (16), 36.09 (1) (e), (i), (j) (by  
11          SECTION 951km), and (k), 36.15 (2), 36.30, 36.52, 40.02 (30), 111.335 (1) (cv), 111.81  
12          (7) (ar) and (at), 111.815 (1) (by SECTION 2410cc) and (2) (by SECTION 2410dc), 111.825  
13          (1r), (1t), (2) (a), (b), (c), (f), (g), (h), and (i), (3) (by SECTION 2410je), (3m), (4) (by  
14          SECTION 2410mb), (6) (a) (by SECTION 2410np), and (7), 111.83 (5) (a), (b), and (c),  
15          111.84 (2) (c) (by SECTION 2410tdd), 111.91 (4), 111.92 (1) (a) (by SECTION 2426gh),  
16          111.93 (2) and (3) (a) (by SECTION 2426tb), 111.935 (2), 230.01 (1), 230.03 (3) (by  
17          SECTION 2751e), (6), (6m), (10h), and (13), 230.08 (2) (cm), (d), (dm), and (k), 230.10  
18          (2), 230.12 (1) (a) 1. b. and (3) (e) (title) and 1. (by SECTION 2764dh), and 230.34 (1)  
19          (ar) of the statutes, the repeal of sections 36.58 (5) and 230.143 (1) and (2) of the  
20          statutes, the renumbering of sections 111.83 (7) and 111.85 (5) of the statutes, the  
21          renumbering and amendment of sections 16.417 (2) (f) and 230.143 (intro.) of the  
22          statutes, the creation of sections 16.417 (2) (f) 2., 111.83 (7) (b), 111.85 (5) (b), and

1 111.92 (1) (a) 2. and 3. of the statutes, and SECTION 9152 (1c) of this act take effect  
2 on July 1, 2013.”.

**(END)**